

**REGISTRATION OF CONTRACTORS FOR CIVIL ENGINEERING WORKS
(CYCLE 1-01-2010 TO 31-12-2013)**

RULES OF REGISTRATION

SCOPE

- (a) The appended rules for registration of contractors will be applicable generally to contract works estimated to cost upto Rs. 100 lakhs to be executed by the Civil Engineering Department and will come into force from a date to be notified by him.
- (b) The Chief Engineer will issue a public notification in scheduled news papers inviting applications for registration of contractors for the cycle. (01-01-2010 to 31-12-2013). The registration, once done on merits in response to this notification, will be valid maximum until the termination of the cycle. (i. e. upto 31-12-2013), unless the firm is deregistered from the list of contractors earlier.

Contractors registered in the preceding cycle have to apply afresh for registration in the current cycle; their response and performance during the preceding cycle will be taken into account while examining their application for the current cycle.

- (c) Notice inviting tenders for works costing upto Rs. 30 lakhs will only be displayed on the notice board in the Chief Engineer's Office.

Notice inviting tenders for works estimated to cost over Rs. 30 lakhs will be displayed on the notice board and copy will be mailed Under Certificate of Posting to registered contractors of the appropriate class and speciality.

In case, a number of different works are included in single tender as different parts in the Bill of Quantities the total of the costs of all the parts in the B.O.Q. will be the criterion for its display/display plus mailing.

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 tender for the Port Trust works covered by this scheme for registration, 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, tender copy will be issued to him prospectively.

- (d) No tender for works covered by this scheme of Registration shall be issued or contract given to any person, syndicate or firm whose name is not borne on the current Register of Approved Contractors, unless the Chief Engineer orders otherwise.

Provided that if on invitation of tenders, no registered contractor tenders and the work cannot conveniently be undertaken departmentally, it would be permissible for the Chief Engineer to give to unregistered contractor or a contractor registered in the lower class after re-inviting tender OPENLY and without restrictions.

NOTE : When re-invitation of tenders is necessitated due to the receipt of high tenders, it is open to the Chief Engineer to re-invite tender OPENLY from registered as well as unregistered contractors.

- (a) No fresh contract will be awarded to a contractor registered in Class D, C and B (as defined in Rule 1 hereof) if the total of (balance value of the Port Trust works in his hand) and (the value of the Mumbai Port Trust (MBPT) work in the tender under consideration) exceeds the upper limit of the Class C, B and A respectively.

- (b) "No fresh contract will be awarded to a contractor registered in 'A' Class (as defined in Rule 1), if the total of the balance value of Port Trust works in his hand awarded through registration system and the value of the Mumbai Port Trust (MbPT) work of the tender under consideration exceed the value of the bidding capacity of the contractor as indicated in the table below, on the basis of average annual turnover of three financial years submitted by the contractor duly certified by Chartered Accountant at the time of registration and as may be revised annually.

(1) Range of Average Annual turnover	(2) Bidding Capacity
Rs.0.50 crore to 2.0 crore	2.0 crore
Above 2.0 crore to 4.0 crore	4.5 crore
Above 4.0 crore to 6.0 crore	7.5 crore
Above 6.0 to 8.0 crore	10.5 crore
Above 8.0 crore	12.0 crore

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

RULES

RULE NO. 1 :

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

Class	Eligible to tender for works costing	Minimum Solvency	Minimum Networth	Minimum working capital & overdraft	Average annual turnover for last three years
	(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)	(Rs. in lakhs)
(1)	(2)	(3)	(4)	(5)	(6)
A	Upto 100	20	22	11	50
B	Upto 060	12	18	09	30
C	Upto 030	10	09	05	15
D	Upto 010	03	03	1.5	05

Note (i)

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

Note (ii)

The following firms will be classified as "professionally managed"

- (a) The owner or active partner is a qualified Civil Engineer with a Degree in Civil Engineering and has over 10 years experience in the profession.
- or**
- (b) The full time director of the company is a qualified engineer with a Degree in Civil Engineering and has over 10 years professional experience.
- or**
- (c) The company has been employing on a full time basis during the last ten years qualified engineers with Degree in Civil Engineering as Site Engineer and has delegated to them sufficient financial and administrative authority.

Note (iii) :

When a single tender is invited for a number of different works by including them as independent and separate parts in the B.O.Q. of the tender and if the conditions of contract explicitly provide that contracts can be awarded for each part separately, the eligibility to tender paper shall be the estimated cost of work of each part.

RULE NO.2 :

No contractor shall be registered without full enquiry as to his stability in regard to

- (a) Financial status supported by a certificate of solvency/networth/working capital plus overdraft obtained from the Collector of the District or a Scheduled or Nationalised Bank, Chartered Accountant, as applicable supported by balance sheet for the last three years.

Note (i)

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

Note (ii)

Banker's certificate shall be from a Nationalised Bank or scheduled Bank.

Note (iii)

Solvency certificate in the name of a firm may not be insisted upon if such a certificate for the required amount in the name of one or more partners is forthcoming and it is made clear in the partnership deed that all the partners are jointly and severally responsible to meet all the 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.

Note : 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 contractor if the partner concerned has to his credit execution of such works by virtue of monetary shares and other interests. Experience gained merely as a servant may not count as proof of the capability of the firm as a whole.

RULE NO. 3 :

(i) For registration, the contractor shall submit an application in the prescribed form indicating the class and the speciality in which he wishes to be registered. The application shall be accompanied by necessary statements and documents as detailed in the Form of Application which can be obtained on payment of prescribed charges.

(ii) The contractor applying for registration shall pay in full the registration fees, (which will be non-refundable) alongwith his application form.

(iii) If as a result of the scrutiny of the application a particular contractor is not found suitable for the class for which he has applied for registration, his application will be considered for registration in lower class, if he so desires, in which case a separate application for registration will not be required.

Note 1 :

If the application does not contain complete information, the applicant may be called on the date to be intimated to him. He will be requested to furnish further required information/documents by particular date. If the applicant does not furnish the information/documents by that date or upto seven working days thereafter it will be presumed that the applicant is not able to produce the required information/documents, as required and Chief Engineer will treat the application as “non responsive” and will reject the application. The applicant will have to apply for the registration, if desired thereafter, as a fresh.

Note 2 :

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

RULE NO.4 :

In each class the firm will be registered in one or more of the following specialities depending upon their experience and the plant and equipment available with them.

Speciality	Description	Requirement
I	Asphaltic Paving (works in which premixed asphaltic macadam/ asphaltic concrete is dominant and/or is of large magnitude)	<p><u>For 'A', 'B' & 'C' Class</u></p> <p>1) Ownership of asphaltic concrete plant as mentioned in proforma 'F' and other equipment such as pavers, dumpers, rollers etc.</p> <p>2) Proven ability to work in 2nd/3rd shifts at a short notice.</p> <p>3) Ownership of a milling machine or a standby arrangement for its hire at a short notice</p>
		<p><u>For 'D' Class</u></p> <p>1) Experience in asphaltic paving works.</p> <p>2) Arrangements with owner of asphaltic concrete plant for supply of premixed asphaltic macadam/ concrete and paver as and when required.</p> <p>3) Ownership of dumpers and rollers or standby arrangements for hire at short notice.</p>
II	Concrete Paving	Should have proven experience of similar type of works. Ownership of Cement concrete mixing machine and concrete vibrators
III	Painting (excluding special works requiring a high degree of aesthetics)	3 years experience in painting, repainting of buildings, steel structures.

IV	Restorative Repairs (to buildings & structures)	Proven experience in restorative repairs/rehabilitation of R.C.C. structures by using jacketing, epoxy and polymer mortar, other specialised restorative repair works etc. The minimum cost of such works executed by the applicant on his firm's name during last 3 years shall be as follows : For Class A : Rs.80 lakhs For Class B : Rs.60 lakhs For Class C : Rs.40 lakhs For Class D : Rs.15 lakhs
V	Water Proofing (of terraces, toilet blocks, basement etc.)	5 years' experience in cement based and other waterproofing treatments of terrace roofs, toilet blocks, basement etc.
VI	Buildings, Godowns, Ware-house, Sheds	Minimum five years experience in construction of buildings godowns, sheds, warehouses etc., should own sufficient shuttering materials, concrete mixtures etc.
VII	Other Civil Engineering works such as compound wall drainage, sewers, water mains, plumbing and any other works not covered under other specialities mentioned herein and excluding marine works, piling, soil investigations and all annual supply and petty works contracts.	1. Minimum 5 years experience in carrying out similar type of works. 2. Ownership of cement concrete mixing machine and concrete vibrators in case of 'A', 'B' & 'C' class. Standby arrangement for hire of these equipments at a short notice in case of 'D' class.
VIII	Permanent way works	Proven experience in carrying out similar works in MbPT or in Indian Railways
IX	Supply of Engineering materials such as Bricks, sand ,metal, red earth, manure etc.	Should have 3 years experience of supplying the materials in Port Trust or any govt. organisation.

X	Loading / unloading of engineering materials, debris, kutchra, refuse etc. into railway wagon, Removal of rank vegetation.	This speciality is reserved for labour co.op. societies. The society should have experience of carrying out similar types of works in past.
XI	Petty Civil Engineering Maintenance Works.	Should have proven 3 years experience in similar type of works.

Notes : (i) If particular work has two or more specialities and if the contractor is not registered in all such specialities, the MBPT may require that a sub-contractor shall be selected from amongst the firms registered with the MBPT in those specialities.

(ii) Works requiring drainage completion certificate, 'P' form etc. from MCGM shall not be awarded to a contractor unless he himself has plumbing licence or unless he nominates the licenced plumber in the tender.

RULE NO.5 :

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

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

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

RULE NO. 6 :

At the stage of initial registration, contractors who desire to be registered in Class A & B shall employ qualified engineers as may be directed by the Chief Engineer and the details are required to be furnished alongwith the application.

RULE NO. 7 :

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

RULE NO. 8 :

The graduates and diploma holders in civil engineering who have passed the qualifying examination and have obtained respectively the degree and diploma from the recognised Universities and Institutions may get themselves directly registered in 'D' class by applying in the prescribed form to be accompanied by degree/diploma certificate and solvency or networth or working capital certificate and on payment of necessary registration fees. Graduates and diploma holders shall be exempted from the payment of (i) earnest money and (ii) security deposit to the extent of 50% of what is normally due in each case. In respect of remaining 50% of the security deposit , a nominal amount of 1% of the estimated cost subject to a minimum amount of Rs.100/-shall be recovered initially and the rest by a prorata deduction from bills.

Note :- RULE NO. 8 is applicable to graduates and diploma holders for a period of 5 years from the date of passing the respective degree and diploma examination. In case of the graduates and diploma holders in civil engineering, who have completed more than 5 years from the date of passing the respective degree/diploma and have working experience in civil engineering field with any organisation for more than 5 years, will also be registered in "D" class on payment of necessary registration fees and furnishing necessary solvency or net worth or working capital certificate. However, they will not be given financial concessions as mentioned above.

RULE NO. 9 :

A labourer's co-operative society may be given registration in 'D' class on its applying in the prescribed form accompanied by :

- i) a certificate of Registration and list of its members (including their trade designation)and
- ii) a certificate from the Register of Co-operative societies regarding its capacity and financial resources in lieu of solvency or banker's certificate and
- iii) a certificate of professional capacity from the officer of the Government or Public body in whose division it has carried out works and
- iv) necessary registration fees.

RULE NO. 10 :

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

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

10.1 WARNING/FINE

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

For the first default of any type mentioned above, a warning will be issued. For each subsequent default of the types in (i) & (ii) above, the minimum penalty will be a fine of Rs.2500/- while that for a default of the type (iii) the minimum penalty would be Rs.5000/- for contracts of upto Rs.25 lakh and Rs.10000/- for contracts of above Rs.25 lakh. Higher amount of fine may be levied by the Chief Engineer for reasons to be recorded.

10.2 DEMOTION

A contractor will be liable to be demoted to a lower class of registration 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 DEREGISTRATION

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

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

10.4 If a registered contractor (a firm, partnership or company) is de-registered, then any other registered contractor (a firm, partnership or company), with any partner or shareholder who is also a partner or shareholder or a "spouse" of such partner or shareholder of the de-registered contractor, shall also stand automatically de-registered. If a registered contractor who is a proprietary firm is 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 MbPT 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, MbPT will be competent, either suo moto or on the basis of reports received, to issue warning to, impose fine on and order demotion or de-registration of a contractor.

10.9 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 15 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 the said notice upto a period of 30 days (including the initial period).

10.9.2 If the contractor fails to give satisfactory clarification within the period stipulated in the show cause notice (or, the extended period, if any), the Chief Engineer shall take a final decision regarding the demotion. Before issuing a final order regarding demotion or for de-registration, the Chief Engineer 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 name(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.

RULE NO. 11 :

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

RULE NO. 12 :

Contractors who do not tender for any work of the MBPT and those who having tendered failed to secure any contract in the MBPT during a period of one year after their registration are liable to be removed from the register.

RULE NO. 13 :

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

RULE NO. 14 :

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

RULE NO. 15 :

The contractors shall forward to the Chief Engineer an annual return ending 31st March every year in the form prescribed in ANNEXURE 'A' through the Divisional Engineers in whose division, the contractors undertook the works shown in the return.

RULE NO. 16 :

The contractors may, if they so desire, deposit an amount as per scale prescribed below with the MBPT and secure exemption from the payment of earnest money with each individual tender, after executing the necessary

bond in the form given in ANNEXURE 'B' which should be submitted to the Chief Engineer for record. The contractor shall submit fresh FDRs/NSCs or other instruments and the instruments submitted by the contractor for the earlier cycle shall be collected back by the contractor. Renewal of the FDR and other instruments will not be done by MbPT. The contractor shall produce a copy of the bond before the concerned officer whenever he tenders for works and seeks exemption from payment of Earnest Money Deposit.

Scale of Permanent Earnest Money Deposit

Class	Amount of PEMD
A	Rs.50,000/-
B	Rs.50,000/-
C	Rs.50,000/-
D	Rs.30,000/-

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

The documents submitted towards the Permanent Earnest Money Deposit (PEMD) in the form of other than in cash, should be valid minimum upto the end of cycle (i.e. upto 31.12.2013). The Permanent Earnest Money (PEMD) once paid by the registered contractor will not be refunded except the contractor opts for cancellation of registration.

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

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

RULE NO. 17 : Two or more contractors/firms of the same class from 'C' upwards may combine and tender for a work aggregating to the sum of the amounts up to which each individual firm is empowered to tender as per the original registration provided (i) the combination is of firms as a whole and not individual partners and (ii) they draw up a joint venture/consortium deed and submit a copy thereof to the authority at the time of purchasing tender form.

RULE NO. 18 :

The Extra Additional Security Deposit :-

(i) Over and above the earnest money, tenderers quoting the rebate more than 15% on the cost of work put to tender shall have to pay additional security deposit in the form of Demand Draft/Banker's Cheque/Bank Guarantee depending upon the amount calculated as per formula given below. All Demand Draft/Banker's Cheque/Bank Guarantees shall be valid upto scheduled completion and subsequently be extended upto actual completion and shall be in favour of the Board of Trustees of the Port of Mumbai. The Additional Security Deposit will be released on satisfactory completion of work.

Formula :

$$\text{Extra Additional Security Deposit} = \frac{A}{100} \times \text{cost of work put to tender}$$

Where 'A' = Percentage rebate quoted of the cost of work put to tender by the tenderer minus 15%.

For Example, If the tenderer desires to quote percentage rebate 25 (Twenty five) percent than the additional security deposit shall be worked out as under :-

$$\text{Extra Additional Security Deposit} = \frac{25 - 15}{100} \times \text{cost of work put to tender}$$

The successful contractor shall have to deposit Extra Additional Security Deposit in the form of Demand Draft / Banker's cheque / Bank Guarantee within 14 days from the date of award of work, failing which the Earnest Money / Security Deposit will be forfeited.

(ii) In case the tenderer desire to quote premium of cost of work put to tender more than 15% he will have to give the rate analysis for any or all the items on demand.

RULE NO. 19:

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

RULE NO. 20:

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

CHIEF ENGINEER

ANNEXURE 'A'
(Referred to in Rule 15)

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

Name of Contractor :-

Authority for
Registration :-

Class :-

Specialities :-

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

Annexure 'B'
(Referred to in Rule 16)

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

KNOW ALL MEN BY these presents that we, the undersigned _____
(the name of the Contractor/firm executing this bond) carrying on business as Engineers and Contractors and being registered contractors (hereinafter referred to as "the Bounden") are held firmly bound unto the Board of Trustees of Port of Mumbai (hereinafter referred to as the "the Trustees which expression shall unless the context does not so admit include their successors and assigns) in the sum of Rs. _____ to be paid to the Trustees for which payment well and truly to be made we bind ourselves and our successors, executors, administrators and representatives firmly by these present duly signed by us this _____ day of _____ 20____.

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

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

AND WHEREAS the Bounden have delivered to deposit with the Civil Engineering Department, Mumbai Port Trust in the account of Trustees as sum of Rs. _____ in cash or in the form of National Savings Certificates, Interest bearing Securities, Postal Savings Bank, Pass Book, Fixed Deposit Receipts, Units of Unit Trust of India etc. specified in the list hereunder written of the market value of Rs. _____ for the purpose of securing exemption from the payment of such Earnest Money to the Trustees in respect of the works tendered or to be tendered by them.

Now the conditions of the above written bond is such that if during the period, the Bounden shall be given the work/s tendered by them and if the security required for the proper execution of all the said work or works according to the agreement or agreements entered into with the Trustees in that behalf

during the continuance of the aforesaid exemption is duly paid by them separately to the Trustees 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 require to forfeit the same along with the interest thereon or part thereof as is equal to the amount of Earnest Money payable along with the submission of that particular tender, on the happening of pay of the events on account of which under the terms and conditions of the said tender the Earnest Money is liable to be forfeited and to appropriate the same and in the event of any such forfeiture being so made, the Bounden shall within Fifteen days of the date of any such forfeiture of deposits in the said amount pay a sum sufficient to make up the said deposits of Rs. _____ either in cash or in the form of National Savings Certificates, Interest Bearing Securities, Postal Savings, Bank Pass Book, Fixed Deposit Receipts, Units of Unit Trust of India etc. of the market value of Rs. _____.

It is hereby further 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 any Division of the Mumbai Port Trust PROVIDED ALWAYS that the return at any time of the said deposit or any part thereof shall not be deemed to affect the right of the Trustees to take proceedings against 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 the Trustees during the continuance of the aforesaid exemption, as aforesaid exemption or if the aforesaid deposit of Rs. _____ is less than the amount of Earnest Money Deposit to be paid with a particular tender, the Trustees of the Officers and servant of the Trustees duly authorised in that behalf from time to time shall be entitled to effect the balance of the recovery towards Earnest Money deposit from any other dues payable to the Bounden by the Trustees.

IN WITNESS WHEREOF the abovementioned bounden have hereby set their respective hands and the Chief Engineer has for and on behalf of the Trustees of the Port of Mumbai set his hand and affixed his official seal hereto the day and year hereinabove written.

SIGNED AND DELIVERED BY

the abovenamed Bounden

in the presence of

1. Name : _____

Address : _____

2. Name : _____

Address : _____

SIGNED, SEALED AND DELIVERED

By Shri _____

In presence of

1. Name : _____

Address : _____

2. Name : _____

Address : _____