



# भारतीय राष्ट्रीय उपभोक्ता सहकारी संघ मर्यादित NATIONAL CO-OPERATIVE CONSUMERS' FEDERATION OF INDIA LTD.

(उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय, भारत सरकार)

शाखा कार्यालय: डी-79, विज्ञानपुरी, महानगर एक्सटेंशन, लखनऊ-226006

Branch Office: D-79, Vigyanpuri, Mahanagar Extension, Lucknow-226006

Ph.: 0522-4955937, 4072415 E-mail: nccflko@gmail.com

NCCF/LKO/Const./2022-23/ 92

Dated: - 14.06.2022

Email Id. -nccflko@gmail.com

Mob No.- 9893270235

## Tender Notice

National Cooperative Consumer Federation of India Ltd. NCCF Lucknow Branch invites offer/rates for participation in tender floated by Regional Office, ESIC, Kanpur for Comprehensive Annual Repair and Maintenance of buildings, services and operation /maintenance of equipment's and plant in ESI Hospital Kidwai Nagar, Kanpur and ESI Hospital Sarvodaya Nagar Kanpur. The last date for submission of the proposal is 29.06.2022 at 1.00 PM, for any queries please contact to Lucknow Branch. Approximate value of the work is Rs. 7.397 Crores..

Interested enlisted, eligible and reputed Firms, Business Associates, sound and well experienced suppliers may submit their rates along with EMD and other relevant documents to Lucknow Branch up to 12.00 PM of 27.06.2022.

All terms & conditions will be applicable as per norms of tender document of ESIC & NCCF.

Non-empanelled Business Associates/Firms/Suppliers may also be submit their offer/rates, but they will have to get themselves empanelled with NCCF Lucknow Branch by applying within one week of submission of offer along with all necessary documents for empanelment. Preference will be given to the empanelled business associate/Firms/Suppliers. Conditional bid will not be considered.

NCCF will be at liberty to distribute the quantity of material/work (40% maximum) to be supplied among all the technically eligible bidders (who qualify the eligibility criteria and have deposited requisite earnest money along with their bids) at the lowest accepted rates by the Tendering organization subject to acceptance of the lowest rates by the bidders other than L1, after acceptance of NCCF offer by the Tendering department.

NCCF shall be at liberty to terminate the empanelment/Registration of the Business Associates/Firms, if it is found that they have competed with NCCF in a particular bid either directly or in partnership/JV with some other firm.

NCCF reserves the right to reject any or all the proposals/rates received without assigning any reasons at any time.

Encl:- As above.

  
(A.K.Singh)  
Regional Manager

Place: Lucknow



कर्मचारी राज्य बीमा निगम  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
EMPLOYEES' STATE INSURANCE CORPORATION  
(Ministry of Labour & Employment, Govt. of India)



पंचदीप भवन, सर्वोदय नगर, कानपुर – 208005  
Panchdeep Bhawan, Sarvodaya Nagar, Kanpur-208005  
Phone: 0512-2217957 Email: rd-up@esic.nic.in  
Website: [www.esic.nic.in/](http://www.esic.nic.in/) [www.esic.in](http://www.esic.in)

Dated:08-06-2022

### Notice inviting Tender

Employees State Insurance Corporation (ESIC) is an autonomous body. ESIC invites online bid offer for centage charges\* on percentage basis form eligible central/state/Public Sector undertaking(PSU) for taking up the Annual Repair and maintenance of buildings, services and operation/ Maintenance of Equipment's and plants on deposit mode of work execution basis in the

Following ESI establishment

1. ESI Hospital Kidwai Nagar, Kanpur with attached staff quaters, ESI dispensary Govind Nagar with attached staff quaters.
2. ESI Hospital Sarvodaya Nagar, Kanpur with attached staff quaters, ESI Dispensary Unnao (Annexy), ESI Dispensary Jajmau.

of the Region /State Uttar Pradesh for one year. The contract of work has an option to extend for further period of one-year subject to satisfactory performance of the agency during the contract period with mutual consent.

1. Details are given below:

NIT No.	
Name of the work	Comprehensive Annual Repair and maintenance of buildings, services and operation/maintenance of equipment's and plants in the 1. ESI Hospital Kidwai Nagar, Kanpur with attached staff quaters, ESI dispensary Govind Nagar with attached staff quaters. 2. ESI Hospital Sarvodaya Nagar, Kanpur with attached staff quaters, ESI Dispensary Unnao (Annexy), ESI Dispensary Jajmau. of the Region /State Uttar Pradesh
Client/Owner	Employees State Insurance Corporation
Annual budget amount for ARM works	Rs. 7.397 Crores
Earnest Money deposit	NIL
Cost of tender document	NIL
Date of tender document available to parties to download	From 8.6.2022
Date of end of online pre bid queries	Date 16.6.2022 at 12.00 PM
Starting date of e-tender for submission of online techno commercial bid and price Bid.	From 8.6.2022
Closing date of online e-tender for submission of technical and price bid.	Date: 29.6.2022 at 1.00 PM
Date and time of opening of techno Commercial Bid	Date: 30.6.2022 at 2.00 PM
Date and time of opening of Price Bid	Will be communicated separately to the

	qualified bidders.
Contract period	1 year
Validity Offer	90 Days after the last date fixed for submission of bid including the extension (s) given, if any

\*Centage charges – As defined in section-4 : Financial Bid.

Note: This NIT may also be uploaded in ESIC website and Notice Boards of the Regional Office & Hospitals etc. For wide publicity.

Note- wherever the word "ESIC" is mentioned it refers to Regional Office/ Regional Director

2. The intending bidder(s) must read the terms and conditions carefully. They should only submit their bid if eligible and in possession of all the documents required.
3. Information and instructions for bidders available in document shall form part of agreement.
4. The bid document consisting of instructions to bidders , scope of work and other conditions to be compiled are available at the website <https://eprocure.gov.in/eprocure/app> and <https://www.esic.nic.in/tenders>
5. Construction agency must ensure to quote rate in percentage only in appropriate column up to 2(two) decimals and these decimals should be greater than zero.
6. Notwithstanding anything started above, ESIC reserves the right to assess the capabilities and capacity of the bidders to perform the contract in the overall interest of ESIC.
7. The Bidder(s) are required to quote strictly as per the terms and conditions, specifications, standards given in the bid documents and not to stipulate any deviations.
8. The Bidder(s) are required, may submit questions in writing to seek clarifications 24 hours before the notified pre-bid meeting date, to the office of Regional Director or may visit the said office during the office hours on working days. Contact No..0512-2217957 and submit.
9. Pre- Bid conference shall be held on date, time and place as mentioned in the Notice to clarify queries of intending bidders for submission of bid for the work to be undertaken.
10. ESIC reserves the right to reject any or all tenders or cancel/withdraw the invitation for bids without assigning any reason whatsoever and in such case no intending bidder shall have any claim arising out of such action.

#### 11. Set of Bid documents:

The Following documents will constitute set of tender documents:

Section- 1	Notice Inviting Bid
Section- 2	Instruction to Construction Agency
Section- 3	Qualifying Criteria
Section- 4	Financial Proposal

## **12. Bidding Process**

Bidding process consists of two stages i.e. stage-I and stage-II.

In stage-I, bidders are required to upload documents pertaining to qualifying criteria as mentioned in section-3 along with their bid. Technical bid is opened first and bids are evaluated based on documents uploaded by the respective bidders for qualifying criteria. Only uploaded documents along with the bid is considered for evaluation of technical bids.

In stage-II, Financial bids of qualified bidders, who meet the qualifying criteria as mentioned in Section-3, are opened on the prescribed date and time in the presence of representatives of bidders.

L-1 construction Agency whose centage charges are found lowest shall be considered for award of work as per due process.

## **13. Mode of submission**

Construction agency must submit their online bid of scanned copies duly attested only along with following documents pertaining to qualifying criteria and Financial Bid.

- a) Letter of acceptance of terms and conditions of bidding document in the prescribed format as per Annexure-I and undertaking as per format given in Annexure-II.
- b) Certificates of works experience and other documents for annual turnover and other documents of PSU for undertaking works required to establish fulfilment of qualifying criteria.
- c) Bid documents downloaded from website to be signed on each page by authorized representative along with financial Bid/proposals (Section-4) quoted with centage shall be uploaded.

**(Note- regional office Authorities to amend the condition depending upon the CPP Portal requirement)**

- d) Authority letter issued by the Competent Authority i.e. CMD/MD/Chairman for signing the bid document.
- e) **No Proposals/Documents will be received/uploaded after the prescribed date & time.**

Financial Bid of qualified bidders shall then be opened on prescribed date in presence of bidders or their authorised representatives.

14. The bid for the work shall remain open for acceptance for a period of 90 days from the last date of submission of bid including the extension given, if any. In case any bidder withdraws his bid before the said period or issue of letter of acceptance, whichever is earlier, or makes any modifications in the terms and conditions of the bid which are not acceptable to the ESIC, ESIC shall, without prejudice to any other right or remedy, be at liberty to debar them from participation. Further, they shall also not be allowed to participate in the re-bidding, if any.

15. The acceptance of any or all bid (s) will rest with the ESIC who does not bind itself to accept the lowest bid and /or reserves to itself the right to reject any or all of the bids received without assigning any reason thereof.

16. Date of start of work shall be reckoned from details in award letter or handing over of site whichever is later. Signing of contract agreement and submission of valid Performance bank gurantee shall be followed with.

17. The award of work, Execution and completion of work shall be governed by documents consisting of (but not limited to) letter of award/work order, Bid, MoU and Bid Document. The bidder shall be deemed to have gone through the various conditions while making/preparing their proposal & submitting the bid.

18. In case, any misrepresentation/falsification is noticed in copies of documents submitted, then the bid submitted shall become invalid. ESIC shall , without prejudice to any other right or remedy , be at liberty to disallow the agency from future participations.

Regional Director

## Instructions for Online Bid Submission

The bidders are required to submit soft copies of their bids electronically on the CPP Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the CPP Portal, prepare their bids in accordance with the requirements and submitting their bids online on the CPP Portal.

More information useful for submitting online bids on the CPP Portal may be obtained at:

<https://eprocure.gov.in/eprocure/app> .

### REGISTRATION

- 1) Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal (URL: <https://eprocure.gov.in/eprocure/app>) by clicking on the link **“Online bidder Enrollment”** on the CPP Portal which is free of charge.
- 2) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- 3) Bidders are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication from the CPP Portal.
- 4) Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate (Class III Certificates with signing key usage) issued by any Certifying Authority recognized by CCA India (e.g. Sify / TCS / nCode / eMudra etc.), with their profile.
- 5) Only one valid DSC should be registered by a bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC's to others which may lead to misuse.
- 6) Bidder then logs in to the site through the secured log-in by entering their user ID / password and the password of the DSC / e-Token.

## SEARCHING FOR DOCUMENTS

- 1) There are various search options built in the CPP Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender published on the CPP Portal.
- 2) Once the bidders have selected the tenders they are interested in, they may download the required documents/ tender schedules. These tenders can be moved to the respective 'My Tenders' folder. This would enable the CPP Portal to intimate the bidders through SMS / e-mail in case there is any corrigendum issued to the tender document.
- 3) The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification / help from the Helpdesk.

## PREPARATION OF BIDS

- 1) Bidder should consider any corrigendum published on the tender document before submitting their bids.
- 2) Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid documents have to be submitted, the number of documents - including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the bid.
- 3) Bidder, in advance, should get ready the bid documents to be submitted as indicated in the tender document / schedule and generally, they can be in PDF / XLS / RAR / DWF/JPG formats. Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.
- 4) To avoid the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the bidders. Bidders can use "My Space" or "Other Important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a bid, and need not be uploaded again and again. This will lead to a reduction in the time required for bid submission process.

## SUBMISSION OF BIDS

- 1) Bidder should log into the site well in advance for bid submission so that they can upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.
- 2) The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender document.
- 3) The server time (which is displayed on the bidders' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the bidders, opening of bids etc. The bidders should follow this time during bid submission.
- 4) All the documents being submitted by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any bid document that is uploaded to the server is subjected to symmetric encryption using a system generated symmetric key. Further this key is subjected to asymmetric encryption using buyers/bid openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 5) The uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 6) Upon the successful and timely submission of bids (i.e. after Clicking "Freeze Bid Submission" in the portal), the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.
- 7) The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.



## ASSISTANCE TO BIDDERS

- 1) Any queries relating to the tender document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender.

Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk. The contact number for the helpdesk is 1800 233 7315.

## **Section-2**

# **Instruction to Construction Agency**

## **Instruction to Construction Agency**

### **1. Introduction**

- 1.1 The Central/State Govt. Organization/ Public Sector undertaking (PSU's) are only eligible to participate in the Bid.
- 1.2 Construction agencies are invited to submit a financial bid along with documents pertaining to qualifying criteria. The bid will be the basis of technical discussions/negotiations, if required and ultimately for a signed contract/ MoU with the selected Construction Agencies on deposit mode of work execution basis.
- 1.3 Construction agencies should familiarize themselves with local conditions and take them into account in preparing their proposals. To obtain first- hand information on the assignment and local conditions, Constructions agencies may visit the site before submitting a proposals. Construction agency or his authorized representative should contact the following regarding site specific information and site visit enquiry, if required.

Contact : Regional Director/Engineer(I/C)

Address : Regional Office, Sarvodaya Nagar, Kanpur

Phone : 0512-2217957

Email : [rd-up@esic.nic.in](mailto:rd-up@esic.nic.in)

1.4 a) The ESIC will provide all the available inputs to the construction agencies. However, ESIC does not assume any responsibility for any loss or financial damages on account of use of such information by construction agencies. Construction agencies are advised to collect at their own information for preparation, submission of bids & execution of services before award of work.

b) The Construction agencies shall be responsible for obtaining licences and permits to carry out all the works.

1.5 Construction Agencies shall bear all cost associated with the preparing and submission of their proposals and contract negotiation, site visits etc. The ESIC is not bound to accept any proposal, and reserves the right to annul the selection process at any time prior to award, without incurring any liability to the construction agencies.

### **1.6 Conflict of Interest**

1.6.1 ESIC's policy requires that Construction Agencies provide professional, objective, and impartial advice and at all times hold the ESIC's interest paramount, strictly avoid conflicts with other assignments or their own corporate interests and act without any consideration for future work.

1.6.2 (i) Without limitation on the generality of the foregoing, Construction Agencies, and any of their affiliates, shall be considered to have a conflict of interest and shall not be recruited, under any of the circumstances set forth below:

#### **Conflict Relationship**

ii) Construction Agencies (including its Personnel and Sub-contractors) that has a business or family relationship with ESIC staff/Member of the Corporation who is directly or indirectly involved in any part of

- (a) the preparation of the Terms of Reference of the assignment,
- (b) the selection process for such assignment, or

(c) supervision of the Contract, may not be awarded a Contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the ESIC throughout the selection process and the execution of the Contract.

1.6.3 Construction Agencies have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interest of the ESIC, or that may reasonably be perceived as having this effect. Failure to disclose said situations may lead to the disqualification of the Construction Agencies or the termination of its Contract any time throughout currency of the work.

1.6.4 No employee of the ESIC shall work for Construction Agency. Recruiting former employees of the ESIC to work is not acceptable to ESIC.

## **1.7 Fraud and Corruption**

1.7.1. The ESIC requires that the Construction agencies participating in selection process adhere to the highest ethical standards, both during the selection process and throughout the execution of a contract. In pursuance of this policy, the ESIC:

a) Defines, for the purpose of this paragraph, the terms set forth below: "Corrupt Practice" means the offering, promising, giving, receiving, or soliciting, directly or indirectly, of anything of value which he is not legally entitled to, to influence the action of a public official in the selection process or in contract execution;

"fraudulent Practice" means a willful misrepresentation or omission of facts or submission of fake/forged documents in order to influence a selection process or the execution of the Contract.

"Collusive practices" means a scheme or arrangement whether formal or informal, between two or more cas with or without the knowledge of ESIC, designed to establish prices at artificial, non competitive levels, submission or non- submission of Bids:

"Coercive practices" means harming or threatening too harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract.

b) ESIC will reject a proposal for award if it determines that the Construction agency recommended for award has, directly or thought an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for the contract in question and

c) ESIC will take necessary action against the Construction agency , including declaring the construction agency ineligible, either indefinitely or for a stated period of time, for award of a contract if at any time it is determined that the construction agency has, directly or through an agent, engaged in corrupt, fraudulent, collusive or coercive practices in competing for, or in executing a contract.

## **1.8 Proposal validity**

The construction Agencies offer shall remains valid for 90 days after the last date fixed for submission of bid including the extension(s) given if any.

## **1.9 Final Decision making Authority**

Regional Director reserves the right to accept or reject any bid and to annul the process and reject all bids at any time, without assigning any reason or incurring any liability to the bidders.

## **1.10 Brief Description & Scope of work**

As per details given in Annexure-III

## **2. Clarification and Amendment of Bid Documents**

2.1 Construction agencies may request for a clarifications in respect of the Bid documents not later than 2 days before the pre bid meeting date. Any request for clarification must be sent in writing or by standard electronic means to the ESIC email address i.e. rd-up@esic.nic.in

The ESIC will respond in writing or by standard electronic means and will send written copies of the response (including an explanation of the query but without disclosing the source of query) to all construction agencies. Should the ESIC deem it necessary to amend the bid document as result of a clarification or any other reasons it shall do so following the procedure under para 2.2. However ESIC reserves the right to respond to the queries after cut off date as mentioned above.

2.2 At any time before the submission of bid, ESIC may modify/amend the bid document and extend the last date of submission/opening of the bid by issuing a Corrigendum/addendum.

Any Corrigendum/addendum this issued shall form part of bid document . To give the construction agency reasonable time to take an amendment into account In their bids and on account of any other reasonable circumstances, ESIC may at its discretion, extend the deadline for the submission/opening of the bid.

## **3. Preparation of Bid proposal**

3.1 In preparing their offer to bid document, Construction agencies are expected to examine in detail the bid document. The bid shall contain documents stipulated in the bid document.

3.2 The bid proposals, all related correspondence exchanged between the Construction agencies and ESIC and the contract to be signed after award shall be written in the English language. **If required in Hindi/local languages necessary translations and other requirements of certificated may be done at Regional Office Level.**

### **3.3 documents pertaining to Qualifying criteria**

Bidder shall have to furnish header line in all the relevant document duly signed on each page on the uploaded documents pertaining to Qualifying criteria as mentioned in Section-3 of bid document.

### **3.4 Financial Bid proposals**

Bid document duly signed on each page by person duly authorized along with Financial bid as per section-4 duly quoted shall be uploaded/filled in online (whichever provision provided in CPP portal) and shall not include any commercial or technical condition/information. Conditional bid shall be rejected summarily.

## **4. Submission, Receipt and Opening of Bids,**

4.1 The original bid including Financial Bid, shall contain non interlineations or overwriting except as necessary to correct errors made by the construction agency. The person who signed tender documents must initial such corrections.

4.2 An authorized representative of the Construction Agencies shall only sign the bid documents. The authorization shall be in the form of a legally enforceable written power of attorney duly authorized as mentioned in clause no. 13(d) of NIT and shall be submitted along the bid.

4.3 The ESIC shall open the bid containing documents pertaining to qualifying criteria after the deadline and for verification from the originals if any, the financial bid shall remain securely stored.

## 5. Bid evaluation

### 5.1 Evaluation of qualifying Criteria

Qualifying criteria shall be examined and evaluated by the committee duly constituted by competent authority based on documents uploaded on CPP portal . No documents furnished or made available after last date of submission of bid shall be considered for evaluation for meeting qualifying criteria for opening of Financial bid.

### 5.2 Evaluation of Financial bid

5.2.1 After the qualifying criteria evaluation is completed the ESIC shall notify in writing to those Construction Agencies who have qualified. Construction agency's may attend the opening of Financial bid however the same is optional.

5.2.2 The Financial bids of the qualified Construction agencies shall then be opened in the presence of the Construction Agency's representatives who choose to attend on the date, time and place as mentioned in the NOTICE. The financial bids shall be examined by a committee duly constituted by the competent Authority.

5.2.3 The Final selection shall be based on evaluation of the bids by the committee constituted for the purpose.

## 6. Award of Contract

6.1 The work shall be generally awarded to The L-1 Construction agency whose centage charges are found lowest as per due process subject to terms and conditions.

In case the lowest quoted centage charges by Construction agency of two or more participating firms is the same, in spite of condition mentioned at clause no.5 of the NIT, the decision of the Regional Director will be final on the process/mode of selection.

The successful bidder shall have to execute the Contract Agreement/MoU as per standard contract agreement/MoU attached with the bid document as Annexure-IV for taking up construction for the project with ESIC.

Construction Agency has to follow CVC guidelines for awarding/selection of the work to contractors if the work is not executed by them departmentally.

6.2 The successful Construction Agency for the purpose of execution of work, progress review and monitoring, shall submit, a detailed work schedule and PERT/CPM indicating completion of all major activities as per milestone indicated for completion of such activities in the Standard Contract agreement forming part of bid document for consideration and approval by the ESIC. This approved schedule/network shall be pre-requisite for signing of the contract agreement and shall form part of the contract agreement.

### **6.3 Performance Bank Guarantee**

The successful Construction Agency shall submit a Performance Guarantee in the form of Bank Guarantee @ 3% of the budgeted amount initially valid for a period up to 06 months beyond the stipulated contract period i.e one year. In case of contract period of work get extended, the contractor shall get the validity of performance guarantee extended, at his own cost; to cover such extended time for contract period. The guarantee shall be in the form of Demand draft/Bankers cheque or of fixed deposit receipts pledged to 'ESI fund A/C No. 1' payable at Kanpur within seven days of LOA or irrevocable Bank guarantee bonds of any Nationalized bank or the State bank of India in the format as per Annexure-'VI'. The Performance guarantee shall be released after six months from the date of successful completion of the contract in all respects.

### **7. Confidentiality**

Information relating to evaluation of bids and recommendations concerning awards shall not be disclosed to the Construction agencies who submitted the tender or to the other persons not officially concerned with the process. The undue use by any Construction Agency of confidential information related to the process may result in the result in the rejection of its tender and may be de-barred from participated in future tenders.

### **8. Default of contractor**

If the performance of the contractor is not satisfactory and not corrected within 15 days of receiving notice, the Regional Director, ESIC would have the liberty to terminate the contract and get the work executed through other means at the risk and cost of the agency.

### **9. Amicable settlement of dispute.**

The party shall use their best efforts to settle amicably all disputes arising out of or in connection this contract or the interpretation thereof

### **10. Disputes-**

Any disputes and differences relating to the meaning of the specifications designs, drawings and instructions herein before mentioned and as to the quality of workmanship of materials used in the work or as to any other question, claim, right, matter or thing whatsoever in any way arising out of or relating to the contract, designs, drawings, specifications, estimates, instructions or these conditions or otherwise concerning the works of execution or failure to execute the same whether arising during the progress of work or after the completion or abandonment thereof in respect of which-

Amicable settlement has not been reached. The disputes shall be referred to the sole decision of the Regional Director, ESIC whose decision shall be binding on both the parties.

In case of dispute still persisting, the matter will be referred for settlement as per Govt. of India guidelines issued vide O.M. No. 4(1)/2013-DPE(GM)/FTS-1835 dated 22.5.2018 (as updated or latest amended) on administrative mechanism for resolution of CPSE disputes, through DG, ESIC.

**11. Integrity Pact.**

The Agency shall submit the pre-contract integrity pact as per the Annexure-V duly sealed and signed by the authorized person of the agency along with the technical bid.