

**NATIONAL AVIATION COMPANY OF INDIA LTD.(A)
PROPERTIES & FACILITIES DEPT.**

Enlistment of Contractors

1.0	Title These rules shall be called the “ <u>Rules of Enlistment of Contractors</u> ” and shall come into force with effect from the 1st day of June 2010 and to be extended for further period of two years upto 31st day of May 2012.
2.0	Short Title Hereinafter these rules shall be referred to as “Enlistment Rules” for the sake of brevity.
3.0	<p>Repeal and Saving</p> <p>3.1 All rules regarding enlistment of contractors existing before coming are repealed by Enlistment Rules 2010.</p> <p>3.2 Contractors already enlisted shall be required to apply afresh. The deposit of such previous registered contractors shall be returned on expiry of period.</p>
4.0	<p>Applicability . NACIL – Properties & Facilities Dept. enlists contractors who intend to work with the department. It is done to have a ready list of suitable and competent contractors for works so as to minimize requirement of verification of credentials of contractors at the time of individual tenders. At the same time only those contractors are allowed to continue in the list that remain active and perform well. Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company may apply for enlistment as a contractor under these Rules provided the eligibility criteria and other conditions are satisfied The enlisted contractors have to abide by all the rules made herein and as amended from time to time during the currency of their enlistment. Selected empanelled contractors shall be intimated according to their class and category by ‘Notice Inviting Tenders’. However, if they intend to work in other lower ‘category’, they shall apply fresh on every occasion to show their interest in lower ‘Category’</p> <p>Other eligible contractors can also apply against web / press advertisements, with applicable non-refundable scrutiny fees, however the validity of such empanelment shall be 31st May, 2012 only.</p>
4.1	No individual, or a firm having such individual as one of the partners, who is removed from the approved list of contractors; or demoted to lower class; or having business banned/ suspended by any government department in the past; or convicted by a court of law shall not be entitled for enlistment.
4.2	No Engineer or any other official employed in NACIL (Air India) is allowed to work either as contractor or as employee of a contractor for a period of two years after his retirement from Government service unless he has obtained prior permission of Company. Even after enlistment, if either the contractor or any of his employees is found to be a person who had not obtained the prior permission as aforesaid, the name of the contractor shall be removed from the list of enlisted contractors.
4.3	A contractor is permitted to have enlistment in more than one category but not in more than one class of the same category. The Contractor can however apply for lower class, by showing interest against that particular work, which has been advertised.

- 4.4 A contractor is not permitted to have enlistment in more than one name.
- 4.5 A partner of a firm or a Director of a company enlisted as a contractor cannot be a partner/director in any other enlisted firm/company.
- 4.6 A contractor will not be enlisted if it was enlisted in any category or class earlier but had remained inactive during its previous enlistment period.
- 4.7 Works costing more than Rs.2.5 Lakhs shall be published in Air India Website and through Press Advertisement and empanelled contractors only be informed by NIT.
- 4.8 Works below estimated cost of Rs.2.5 Lakhs are designed as 'Short Term Quotations' and such empanelment is subject to applying individually against the Notice of each work, displayed on various NACIL (A) Notice Boards at Mumbai.
5. **Scope** - The enlistment of a contractor shall only entitle him to be considered for issue of tender papers subject to the conditions laid down in each individual Notice Inviting Tenders. It shall not confer any right on him either to be necessarily issued the tender papers or for award of work.
- 5.1 The enlistment procedure is limited to works upto Rs.50 Lakhs & there will be separate advertisement for works costing above 50 Lakhs with eligibility criteria.
- 5.2 Non-refundable processing fees indicated is applicable separately for every class / category and also for the applications for change to higher class or category.
- 6.1 **Enlistment Procedure** - The contractor shall have to submit the application in a prescribed form (Annexure – I) to the enlistment authority, complete with all documents as per Annexure-II.
- 6.2 Incomplete applications and applications not accompanied with necessary documents are liable to be rejected.
- 6.3 All verification, submission of reports etc are to be pursued by the applicant. Any delay on account of delay in verification, submissions of reports etc will not entitle applicant for any type of enlistment
- 6.4 The enlistment authority shall have the right to independently verify the details furnished by the contractor and to get works done by the contractor inspected and/or to get such other reports as may be considered necessary.
- 6.5 If the enlistment authority finds the contractor suitable for enlistment, it shall issue the enlistment order and, otherwise, send a letter of rejection of the application to the contractor. The decision of the enlistment authority shall be final and binding on the contractor.
- 6.6 The enlisting authority reserves right to limit number of contractors to be enlisted in any class or category.
- 6.7 Enlistment of contractors in the department may be closed at any point of time. While closing the enlistment, the department may have a reserved list of eligible contractors from the pending applications. Out of this, contractors may be enlisted depending on requirement in a particular area or for the country as a whole.
- 6.8 Enlistments shall be open process throughout the year and on payment of Non-Refundable processing fees.

7. The enlistment '2010' shall be valid for a period of Two years i.e upto 31st May 2012 only. This is applicable for all the applications received anytime after 1st June 2010 till 31st May 2012 against payment of full non-refundable processing fees as mentioned in Table I. The enlistment can, however, be revalidated in accordance with rules in this regard. Each revalidation shall be for a period of two years from the date of expiry of the previous enlistment/revalidation and upto 31st May,2012. The enlistment shall be open to review by the enlistment authority and liable to termination, suspension or any other such action at anytime if considered necessary by the enlistment authority, after issue of show cause notice
8. **Categories & Classes** - The enlistment shall be done in the categories and classes mentioned in Table – 1
9. **Jurisdiction and Tendering Limits** The jurisdiction in which contractors enlisted in various categories and classes shall be permitted to tender and the tendering limit upto which they shall be eligible to tender shall be Mumbai / Nerul.
 - 9.1 The contractor shall be governed by the provisions existing at a particular point of time irrespective of when he was enlisted.
10. **Authorities for Enlistment** - As desginted by Director / GM – PFD, NACIL.
11. **Eligibility Criteria** - The contractors shall have to satisfy the minimum eligibility criteria specified in Table – I, before they can be considered for enlistment. All contractors are expected to keep abreast with enlistment/revalidation rules modified from time to time.
 - 11.1 The criterion for experience, in case of enlistment, shall be the completion of requisite number of works, as the case may be, of prescribed nature and magnitude executed on independent contract basis or as a builder, during the last five years. The works should have been executed in the same name and style in which the enlistment is sought. Enlistment of an individual in corresponding category may also be done based on his Technical Qualification in lieu of experience of completion of works in last 5 years but other eligibility criteria remaining the same.
 - 11.2 The financial soundness shall be judged on the basis of the Banker's latest solvency certificate or the working capital certificate, as the case may be, issued by the Bankers of the contractor on the format prescribed. Such certificate shall be issued by a scheduled bank and shall be submitted, in original.
 - 11.3 The criteria for enlistment/revalidation shall be as applicable on date of enlistment/revalidation. Applicant may be intimated when his application and verification is complete. The application may be decided within 90 days of such completion.
- 12.0 **Processing fee** – The contractor shall have to pay a non-refundable processing fee by cash of Rs.500/-. This fee is to be paid to the cashier, Finance Dept. & receipt submitted alongwith application form to the enlisting authority
- 13.0 **Income Tax clearance** : PAN CARD of Company or Individual as applicable.
- 14.0 **Panel of Contractors** - Panel of Contractors for each work shall be made separately and considering the contractors present works in hand / progress / capacity as decided by panel approving authority. Decision of NACIL officials shall be final.

- 15.0 **Purchase Preference Policy for PSE** – Preference shall be given for products and services offered by Public Sector Enterprises as per prevailing orders of Government of India.
- 16.0 **Change in Constitution of Firm** -The contractor/firm shall not modify the existing partnership or enter into any fresh partnership without the prior approval of the enlistment authority. Such proposal, if any, shall be submitted in advance giving full details of the intended partnership/sole proprietorship along with the draft partnership deed/affidavit and documents as per Annexure-VI. Any change in status of the contractor or firm as an 'Individual' or in constitution of the firm without prior approval of the enlistment authority will render the contractor/firm liable to be removed from the approved list of contractors.
- 16.1 If a firm is converted in two or more firms by any action of its partners, the new firm(s) or any separated partner(s) in his(their) individual/joint capacity shall have to apply for the enlistment afresh on the basis of work experience gained as a separate entity.
- 16.2 If new partners are taken in the firm, each new partner shall have to satisfy the eligibility conditions mentioned in Rule 4.0
- 16.3 If the number of original partners of a firm reduces to less than half due to any reason including death of partner(s), the enlistment of the firm shall be withdrawn. Original partners means constituents at the time of Enlistment and those who have remained as constituent for more than 5 years.
- 17.0 **Change in Address** - While applying for enlistment, the contractor should mention address of his Registered office as well as Head Office, if different. All documents i.e. , Bankers' Certificate, Electrical license etc. should bear one of the above addresses, otherwise the same shall not be accepted
- 17.1 The contractor shall intimate the change, if any, in any of the above addresses, in advance or maximum within one month of such change alongwith acknowledgement of noting down of such change in address from the Bank, Income Tax , Sales Tax authorities etc. Failure to do so may result in removal of his name from the approved list of contractors
- 18.0 **Review of Approved List of Contractors** -The contractor shall be required to secure works of appropriate magnitude in CPWD during the revalidation/enlistment period. Contractors shall be liable to be weeded out for non-observance of enlistment rules. For this purpose the enlistment authority shall have the power to periodically review the approved list of contractors annually.
- 19.0 **Revalidation of enlistment** - The validity of initial enlistment of the contractor shall be as given in Para 7.0. It shall, however, be revalidated on merits, if desired by the contractor. Only the contractor who has secured at least two works of appropriate magnitude (as applicable for enlistment in relevant class)
The work completed/secured as an associate contractor of the main contractor, to whom a composite contract was/has been awarded, shall also qualify for consideration of revalidation

- 20.0 **Application for Revalidation** - Contractors shall apply in prescribed format available with our Admin.Section.
- 20.1. Contractors when asked to produce the registration certificates, which are mandatory as per Government Rules for various taxation & whether they are in force before or after empanelment process, it shall be compulsory to produce the same and follow the regulations laid down by Govt. (Central / State). In case, if same is delayed, empanelment can be temporarily detained till production of such requirements.
- 21.0 **Confidential report of contractors (ACRC)**
- 21.1 After completion of each work, the concerned EIC & AGMs shall forward confidential report of contractor with Specific Remarks and recommendations about contractors fitness / value of works to be awarded in future, if work is unsatisfactory and submit the same with recommendation to the competent authority for suitability and action.
- 22.0 **Revalidation Procedure** - The revalidation shall be done on the basis of evaluation of Confidential Reports / or as per works completed criteria as decided by enlisting authority
- 23.0 **Contractor's obligations** - The contractor should fulfill all his obligations under these rules in time and manner as specified, failing which he shall be liable for the action as mentioned therein. Some of the obligations are summarized below:-
- a) Prior approval shall be obtained from the enlisting authority before changing the constitution of the firm/company..
 - b) Intimation of change of address should be given in advance or within one month alongwith acknowledgement from Banker, Income Tax and Sales Tax authorities.
 - c) He shall continue to possess, throughout the period of enlistment/revalidation, a valid electrical licence of appropriate voltage issued by appropriate authority.
 - d) He should secure works of specified magnitude during the period of enlistment/revalidation as explained above.
 - e) He shall abide by these rules.
 - f) He should not indulge in unethical practices and maintain good conduct
 - g) He shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.
- 24.0 **Disciplinary Actions** The contractor shall have to abide by all the rules of enlistment and also by the terms and conditions of the contract and the Notice Inviting Tenders. He shall have to execute the works as per contract on time and with good quality. The enlisting authority shall have the right to demote a contractor to a lower class, suspend business with him for any period, debar him or remove his name from the approved list of contractors indefinitely or for a period as decided by enlisting authority after issue of show cause notice. Decision of the enlisting authority shall be final and binding on the contractor. The following actions of the contractor shall, in general, make him liable to disciplinary actions

- 24.1 **Demotion to a lower class** -The contractor shall be liable to demotion to a lower class, by the enlisting authority, if firm:
- a) fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects; or
 - b) no longer has adequate equipment, technical personnel or financial resources; or
 - c) is litigious by nature; or
 - d) violates any condition of contract; or
 - e) or his staff misconducts or misbehaves with Air India officials or.
 - f) buys tender forms but fails to submit his offer on maximum of two occasions per calendar year or
 - e) is responsible for a conduct which may justify his demotion to a lower class. or
 - g) any other reason which in view of enlisting authority is justifiable for his demotion to a lower class.
- 24.2 **Suspension of business** The enlistment authority may suspend business with a contractor for indefinite period or for a period as decided by enlisting authority, pending full enquiry into the allegations, if the enlistment authority is prima facie of the view that the contractor is guilty of an offence in relation to business dealings which, when established would result in his removal/banning business and it is not considered desirable to entrust new works or continue business with the contractor or (suspension/termination) of running contract.
- 24.3 **Removal from the approved list** The name of the contractor may be removed from the approved list of contractors, by the enlisting authority, if he:
- A) has, on more than one occasion, failed to execute a contract or has executed it unsatisfactorily; or
 - B) is proved to be responsible for constructional defects in two or more works; or
 - C) persistently violates any important conditions of the contract; or
 - D) fails to abide by the conditions of enlistment; or
 - E) is found to have given false particulars at the time of enlistment; or
 - F) has indulged in any type of forgery or falsification of records; or
 - G) changes constitution of the firm or Individual without prior approval of the enlistment authority; or
 - H) changes permanent address / business address without intimation to the enlistment authority; or
 - I) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or
 - J) persistently violates the labour regulations and rules, or
 - K) is involved in complaints of serious nature received from other departments which prima facie appear to be true.
 - L) Default in settlement of tax dues like income tax, Contract tax, sales tax, service tax, octroi, duties etc.
 - M) has already been demoted for other reason(s). or
 - N) Ceases to fulfil eligibility criteria based on which enlistment/revalidation was done. Or
 - O) is considered not required to be in list of Air India for any other reason considered suitable by enlistment authority.

25 **SERVICE TAX REGISTRATION:**

It is mandatory to have Service Tax Registration No. as per Government Rules.

In case the Contractors are not covered under Service Tax, they will have to submit the undertaking as decided by NACIL-A / Competent Authority, while tendering as per the Condition & format given in the tender.

26 Certificate of Registration with any Govt. or Semi Govt. Organisations shall be submitted if available alongwith other documents.

