



GOVERNMENT OF KERALA

Abstract

Water Resources Department- Rules for Registration and Renewal of Mechanical Contractors' executing works in the Mechanical wing of Irrigation Department/PWD - orders issued.

WATER RESOURCES (A) DEPARTMENT

G.O.(Ms)No.10/2024/WRD Dated,Thiruvananthapuram, 19-01-2024

Read 1 G.O.(Ms)No.59/2013/PWD dated 17.07.2013

2 Letter No. CA 254/2022 dated 29.01.2022 from the Chief Engineer(Mechanical), Thiruvananthapuram

ORDER

As per the letter read as 1st above the Chief Engineer(Mechanical) has requested to delegate the Superintending Engineers, Executive Engineers and Assistant Executive Engineers of Mechanical Wing of Irrigation Department and Public Works Department for issuing and renewing of Mechanical Contractors' registration.

2. Government have examined the matter in detail and are pleased to delegate the Superintending Engineers, Executive Engineers and Assistant Executive Engineers of Mechanical Wing of Irrigation Department and Public Works Department for issuing and renewing of Mechanical Contractors' registration. The Rules for registration and renewal of Mechanical Contractors' executing works in the Mechanical wing of Irrigation Department/Public Works Department is appended with this order.

3. Necessary amendment shall be made in Kerala PWD manual accordingly.

(By order of the Governor)
ASHOK KUMAR SINGH I A S
PRINCIPAL SECRETARY

To:

The Chief Engineer (I&A),Thiruvananthapuram.

The Chief Engineer (Mechanical),Thiruvananthapuram.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

The Information Officer, Web & New Media Division, Information & Public Relations Department.

Public Works Department (Remarks No. PWD-H3/26/2022 dated 20/12/2023)

Stock File/O.C.

Forwarded /By order

Signed by

Sunithakumary S
Section Officer

Date: 19-01-2024 17:36:12

Copy to: PS to Minster(Water Resources Department)

PA to Principal Secretary(Water Resources Department)

Rules for Registration and Renewal of Mechanical Contractor executing works in the Mechanical wing of Irrigation Department/PWD

1. Registration of contractors

Rules for Registration of Mechanical Contractors executing works under Mechanical wing of Kerala PWD/ Irrigation Department.

2. Only persons who have registered themselves as contractor under these rules are entitled to submit tenders for works in Mechanical wing of PWD/Irrigation Department. The term “works” includes Mechanical works including Maintenance works.

2.1 A contractor who is in the register of any Circle/ Division/ Sub Division under Mechanical wing of Irrigation Department of Kerala can participate in the tender for works in the limits prescribed under these rules.

2.2 Temporary / Special Divisions or Special Sub Divisions are not authorized to register contractors or renew their registration.

3. For the purpose of registration contractors will be classified in to separate categories on the basis of their professional experience, financial resources and limits fixed for bidding as detailed below.

- (i) **A Category:** Those who are entitled to tender for all works in any office under Mechanical wing irrespective of the estimate PAC.
- (ii) **B Category:** Those who are entitled to tender for all works up to ₹250 lakhs in any office under Mechanical wing.
- (iii) **C Category:** Those who are entitled to tender for works up to ₹100 lakhs in all offices under Mechanical wing.
- (iv) **D Category:** Those who are entitled to tender works up to ₹25 lakhs in all offices under Mechanical wing.

4. Registering authority:

A & B Category: Superintending Engineer of Mechanical Circle offices of Irrigation/PWD.

C Category : Executive Engineer of Mechanical Division offices of Irrigation/PWD.

D Category : Assistant Executive Engineer of Mechanical Sub Division offices of Irrigation/PWD.

5. Qualifications:

5.1 An individual or firm desirous of registering as contractor in the Mechanical wing shall have the qualification/ experience as detailed below.

5.1.1 A Category:

(i) Should possess a valid 'B' category registration of the Mechanical wing of State PWD/ Irrigation Department for a minimum period of 2 (two) years. Should have carried out works costing ₹5 crores after taking a 'B' class license.

(ii) Firms registered with Government of India and other state Government Departments in their highest class of registration regarding Mechanical works and who have carried out at least 3 (three) works each costing more than ₹5 crores in Government of India and other State Government Department in the last 5 (five) years from the date of application shall directly be registered as an 'A category' contractor in the Mechanical wing of Irrigation Department of Kerala.

(iii) Should have an office with facilities for e-tendering.

(iv) Civil or Electrical A class contractors registered with State Government Departments of Kerala who have completed at least one Mechanical or Hydromechanical work costing an amount of ₹5 crores and above, on production of No Objection Certificate in the format under Appendix 1900 K issued by the Chief Engineer, Mechanical (Irrigation), after satisfying himself the qualities of works done/illustrated in the prescribed format along with the experience certificate as mentioned in clause 7, sub clause (i) shall directly be registered as an 'A category' contractor in the Mechanical wing of Irrigation Department of Kerala.

5.1.2 B Category:

(i) Should possess a valid 'C category' registration of the Mechanical wing of State PWD / Irrigation Department for a minimum period of 2 (two) years and should have carried out works costing ₹2.5 crores after taking a 'C' category registration in Mechanical works.

(ii) Mechanical Engineering degree holders who have involved themselves as a contractor or a site Engineer for a single Mechanical engineering work costing ₹1.25 crores or works costing a total amount of ₹2.5 crore within the last 3 (three) years preceding the date of application shall be registered directly as a 'B' category contractor.

(iii) Should have an office with facilities for e-tendering

(iv) Civil or Electrical B class contractors registered with State Government Departments of Kerala who have completed at least one Mechanical or Hydromechanical work costing an amount of ₹2.5 crores and above, on production of No Objection Certificate issued by the Chief Engineer, Mechanical (Irrigation), after satisfying himself the qualities of works done / illustrated in the prescribed format along with the experience certificate as mentioned in clause 7, subclause (i) shall directly be registered as an 'B category' contractor in the Mechanical wing of Irrigation Department of Kerala.

5.1.3 C Category:

(i) The applicant should have experience as a contractor or a site supervisor for a single Mechanical engineering work costing ₹25 lakhs or works costing a total amount of ₹50 lakhs each not below ₹10 lakh within the last 3 (three) years preceding the date of application.

(ii) Should have an office with facilities for e-tendering

(iii) Civil or Electrical C class contractors registered with State Government Departments of Kerala who have completed at least one Mechanical or Hydromechanical work costing an amount of ₹25 lakhs and above, on production of No Objection Certificate issued by the Chief Engineer, Mechanical (Irrigation), after satisfying himself the qualities of works done / illustrated in the prescribed format along with the experience certificate as

mentioned in clause 7, sub clause (i) shall directly be registered as an 'C category' contractor in the Mechanical wing of Irrigation Department of Kerala.

5.1.4 D Category: The applicant shall have experience as a contractor or supervisor in Mechanical construction/ maintenance work costing ₹4 lakhs during a period of 3(three) years preceding the date of application.

(i) Civil or Electrical D class contractors registered with State Government Departments of Kerala who have completed at least one Mechanical or Hydro Mechanical work costing an amount of ₹4 lakhs and above, on production of No Objection Certificate issued by the Chief Engineer, Mechanical (Irrigation), after satisfying himself the qualities of works done / illustrated in the prescribed format along with the experience certificate as mentioned in clause 7 sub clause (i) shall directly be registered as an 'D category' contractor in the Mechanical wing of Irrigation Department of Kerala.

6. Financial capability:

6.1 An individual or firm desirous of registering directly as a contractor in the Mechanical wing of PWD/ Irrigation Department of Kerala to any category shall produce solvency certificate from a nationalized/ scheduled bank/Kerala Financial Corporation to prove his financial capability for investing money up to the limits detailed below. A capability certificate issued by a nationalized/ scheduled bank/Kerala Financial Corporation for the same limits shall be produced for upgradation of category of registration.

A Category : ₹ 100 lakhs

B Category : ₹ 50 lakhs

C Category : ₹ 10 lakhs

D Category : ₹ 1.2 lakhs

7. Certificate of experience:

(i) A firm/ individual who desires to get directly enlisted as a Mechanical contractor in the classes allowed by these rules shall first apply in the format Appendix 1900 A of PWD Manual for obtaining necessary experience certificate. He shall submit relevant records including architectural drawings, structural designs wherever applicable, contract documents, measurements/ bills to prove his claim for experience. The experience stated by the applicant

shall be certified by the Chief Engineer (Mechanical) of Mechanical wing of Irrigation Department of Government of Kerala for all categories based on the the local enquiries / scrutiny of records, made by the registering authorities of A,B,C and D categories.

ii) Contractors who apply for upgrading their category of registration shall produce experience certificate in the form given in Appendix 1900 H of PWD Manual. This certificate will be issued by Chief Engineer (Mechanical) of Irrigation Department, Government of Kerala to all categories.

8. Application for registration/up gradation of category:

8.1 Application for registration as a contractor /up gradation of category shall be made in the format under Appendix 1900B of PWD Manual to the registering authority supported by the following.

(i) Certificate of experience issued by Chief Engineer (Mechanical) as detailed under section 7.

(ii) Document to prove financial stability as detailed under section 6.

(iii) Copy of acknowledgment of Income Tax returns filed during the previous year.

(iv) Copy of PAN card.

(v) Document to prove name and address furnished in the application form.

(vi) Documents to prove date of birth (in case of individual)

(vii) Attested copies of deeds/ articles of association in the case of private/ public limited company or undivided Hindu family, individual or a registered partnership firm.

(viii) Copy of GST registration wherever applicable.

(ix) Copy of Service Tax Registration wherever applicable.

(x) Copy of license for running the firm issued by the Local Self Government Institution

8.2 Scrutiny and Registration

The registering authority shall then scrutinize the application for registration. He shall satisfy himself as to the financial capacity of the applicant and carry out the works in a particular category. He can if needed, direct the contractor to produce before him, satisfactory evidence towards this. If he is satisfied that the applicant can be registered as a contractor, he shall be intimated of the fact in the form in Appendix 1900 B1 of PWD Manual and shall be asked to remit a registration fee at the following rates. The same fee has to be remitted by a registered contractor for upgrading his registration.

A Class	-	₹5500.00
B Class	-	₹3300.00
C Class	-	₹2200.00
D Class	-	₹1100.00

8.3 The applicant is also required to remit the following Security Deposit to registering authority.

A Category	-	₹ 2 lakhs
B Category	-	₹ 1 lakhs
C Category	-	₹ 50000.00
D Category	-	₹ 25000.00

Security deposit shall be remitted as deposit pledged in favour of Registering Authority from a scheduled/nationalized bank/Post Office or National Savings Certificate/Kisan Vikas Patra for A and B category of contractors and it shall be in the form of deposit pledged in favour of the registering authority / solvency issued by the Tahsildar concerned, for the C and D category of contractors. (For the submission of security deposit by online registration through PRICE software, G.O.(Ms)No.60/2019/PWD, dated 27/12/2019 may be referred.)

8.4 The applicant shall be registered as a contractor after remittance of the registration fee, and the security deposit. The registration fee is not refundable.

But the Security Deposit will be refunded at the time of surrendering the registration. Refund amount shall be the deposit amount less any amount due to Government from the contractor on account of default or any other reason.

8.5 If for any reason, the contractor is not found fit for being registered, he shall be intimated so with reasons thereof. No appeal will lie against this decision.

8.6 After registration of a person as a contractor a registration card shall be issued to him under the seal and signature of the registering officer in the form in Appendix 1900 C of PWD Manual. This card should be referred to in all the tenders submitted by him and be produced by the contractor, if and when called for by any officer of the Mechanical Wing. If the original registration card is lost, the authority competent to issue the original registration card may, on request made by the Contractor, after enquiring the bonafides and after obtaining an indemnity bond executed from the contractor, issue a duplicate registration card after levying a fine of Rs.550.00 from the contractor along with the application for the duplicate card.

8.7 The registration issued is valid only for five financial years. Registration cards are to be renewed every five years. The contractors registration can be cancelled as part of disciplinary action initiated on request from the agreement authorities.

8.8. An individual/ firm can hold only one valid contract registration at a time.

8.9. Online facility for Contractor Registration and Licensing

The centralized online system for Contractor Registration and Management as part of the PRICE software was sanctioned to made live from 01.07.2020.

(As per G.O.(Ms)No.60/2019/PWD, dated 27/12/2019, Contract Management Module-Online facility for Contractor Registration & Licensing was sanctioned. As per GO(Ms) No.50/2020/PWD, dated 05/06/2020, sanction was accorded for the implementation of the G.O. (Ms)No.60/2019/PWD, dated 27/12/2019 from 01.07.2020)

The contractor needs to register through the online System in an eligible category with any one of the Engineering Departments authorized for

registering Contractors. The remittance of Registration Fee/Renewal Fee/Fines, Security Deposit, Submission of required documents and certificates shall be done through online system as per the guidelines stipulated in the G.O. If a Contractor/Firm is not having registration with Government of Kerala, Agreement Authority shall ensure that, details of this Contractor/ Firm has been entered in the online system and a unique identification number has been generated from the System. This is a onetime process. The system shall be having records of appraisal of Contractor performance over multiple years including participation in tender process.

9. Contractors work register :

9.1 It is the duty of the registered contractor to maintain contractors work register in Appendix 1900D of the PWD Manual to ensure that entries are made at the proper time by the agreement authority/ payment authority. He shall keep the register updated and under safe custody and produce in before the Registering/ Payment authority as and when called for.

9.2 The registering authority shall keep a record of the entries made in the contractors work register in his office in the format under Appendix 1900E of the PWD Manual. The responsibility for maintaining the register shall rest with the head of Establishment branch in Circle and Division offices. In the Sub division, the register shall be maintained by the Head Clerk.

9.3 If a contractor reports loss of his Contractors work register and request for compiling a duplicate register, the registering authority shall sanction the same, subject to the following conditions.

- a) It shall be the responsibility of the contractor to get the details entered from each office where he has executed agreement.
- b) He shall be responsible for any omission.
- c) He shall pay ₹11000/- as fine in addition to the following fee for the entry of details of each work.

This amount shall be remitted on receipt of sanction from the registering authority.

A Category - ₹ 2200.00 per entry

B Category	-	₹ 1650.00 per entry
C Category	-	₹ 1100.00 per entry
D Category	-	₹ 550.00 per entry

10. Renewal of registration:

Application for renewal in the prescribed application form in Appendix 1900G of PWD Manual are to be submitted without fine on or before the last date of February and with fine on or before 31st March and this date should be strictly followed before expiry of current contract license. A fine of ₹2750/- shall be realized for such late application.

10.1 The following documents shall accompany the application for renewal of registration.

(i) Extract of updated contractors work register for the past 3(three) years from the date of application attested by the contractor.

(ii) Acknowledgment of Income Tax return last filed.

(iii) Valid Security Deposit/solvency as detailed under section 8.3.

(iv) Financial capability certificate issued by a nationalized/ scheduled bank/Kerala Financial Corporation as detailed under section 6.

(v) If the contractor submits his work register and the certificate on his financial capability issued by the concerned officers of the rank of Executive Engineers and above, based on performance and quality of works executed, then the financial capability certificate from Nationalised/ Scheduled bank/ Kerala Fincial Corporation is not necessary.

(vi) Certificate from the concerned tendering authority to prove that the contractor has quoted for 5 (five) works under Mechanical wing using the license issued by the Mechanical wing.

(vii) For C Category and D Category Contractors, Financial Capability Certificate is not required.

10.2 The following fee shall be remitted by Mechanical contractors for renewal of registration.

A Category	-	₹ 3300.00
B Category	-	₹ 2200.00

C Category	-	₹ 1650.00
D Category	-	₹ 1100.00

10.3 The registering authority shall scrutinize the applications for registration or refuse to do so at his discretion following the directions for registration as in Para 8.2. He shall refuse renewal in the following cases.

- (i) Not being satisfied of the financial stability of the applicant.
- (ii) Failure to execute satisfactorily a previous contract.
- (iii) Poor quality of works executed.
- (iv) Failure to achieve agreed schedule of progress of work.
- (v) Failure to carry out at least one work during the period/ Failure to quote for at least five works using his registration in PWD/Irrigation.
- (vi) Contract for a work has been terminated during the above period.
- (vii) Any other matter which, in the opinion of the registering authority, is undesirable.

10.4. If renewal of license is refused for reasons covered under items (i) to (vi) under item 10.3, the license shall not be renewed and the contractor shall be barred from applying for fresh license for a period of two years. He will be allowed to complete the works for which he has executed agreement.

10.5. A contractor who fails to get his registration renewed in time can apply afresh the next year for registration only as a new contractor.

10.6 The registering authority shall, before 1st March without fine and before 31st March including fine, issue the renewal card or intimate the fact of having refused the request for renewal.

10.7. For renewal of license, the certificate on financial capability is to be issued as per Government Order appended in Appendix 1900J of PWD Manual . The Certificate is to be issued by officers in the rank of Executive Engineer or above, from various departments, who awarded work contract perusing PWD license is acceptable. The certificates (work and amount) from officers of the concerned department where the work was executed during the license period must be furnished. The certificates of executed works from various departments for the period under consideration shall be consolidated and certificate of financial capability may be issued.

If the contractor due to any reason could not execute any work during the current license period, ie even if quoted for at least five works but not awarded,(the details of category and work quoted may be attached), then the financial capability certificate as per section 5, from Nationalised/scheduled banks/Kerala Financial corporation should be produced.

The certificate of financial capability based on the work experience certificate may be issued after strictly verifying whether the contractor has executed at least one work for the required amount in that category or the total amount of all works comes to the required amount for that category for which he is applying for renewal of registration.

10.8 The Registration Authority shall publish as on 1st April every year, a list of all contractors / Firms whose registration is firm.

11. Details of registration and renewal done every year shall be maintained by each Registering Authority in Form in Appendix 1900 I. The reasons for refusal of registration/ renewal, if any shall be clearly specified in the register. The register shall be kept under the safe custody of the head of Establishment Branch in the office of the Registering Authority.

12. Performance certificate shall be issued to a contractor at the end of a financial year in the format in Appendix 1900F, if such a request is received by the Registering Authority in writing.

13. Demotion to lower class

13.1. The registering authority may, by order demote a contractor to immediate lower class if he

(i) Fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects revealed even after the expiry of the defects liability period.

(ii) Has no longer adequate equipments, technical personnel or financial constraints.

(iii) Violates any important condition of contract.

(iv) Is responsible for any other matter, which would justify his demotion to the lower class taking into account, the merit of the case.

14. Suspension of business

Suspension of business may be ordered for an indefinite period, where pending full enquiry into the allegations, the competent authority is of the view that it is not desirable that business with the contractor should continue. Such an order may be passed if the competent authority is prima- facie of the view that the contractor is guilty of an offence involving moral turpitude in relation to business dealings which, if established would result in his removal/blacklisting.

15. Removal from approved list

The Registering Authority may remove a contractor from the approved list, if the contractor:

(i) Fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects revealed even after the expiry of the defects liability period.

(ii) Has no longer adequate equipments, technical personnel or financial constraints.

(iii) Violates any important condition of contract.

(iv) Fails to furnish acknowledgment of latest income tax return filed.

(v) Fails to abide by the conditions of registration or is found to have given false particulars at the time of registration.

(vi) Is declared or is in the process of being declared a bankrupt, insolvent, wound up, dissolved or partitioned.

(vii) Persistently violates the provisions of Labour Regulations and Rules.

A contractor /firm who is removed from the approved list shall be barred from quoting for new works till his license is restored.

16. **Blacklisting**

A contractor may be blacklisted by the Registering Authority for the following reasons

- (i) Where there is sufficient and strong justification for believing that the contractor or his employee has been guilty of malpractices such as bribery, corruption, fraud including substitution of or interpolation of tenders, pilfering or unauthorized use or disposal of government materials issued for specific works etc.,
- (ii) Where the contractor continuously refuses to pay Government dues without sufficient reason and where the Registering Authority is satisfied that no reasonable dispute attracting reference to arbitration or court of law exists for the contractor's action.
- (iii) Where the contractor or his partner or his representative has been convicted by a court of law for offences involving moral turpitude in relation to business dealings.
- (iv) Where security considerations including suspected disloyalty by the state or warrant.
- (v) Where the contractor or his partner or his agent is found to have abetted or induced public servants to indulge in corrupt practices.
- (vi) Where the documents regarding experience submitted to obtain experience certificate are found to be false at a later date.
- (vii) Poor Workmanship.

A show cause notice should be issued before inflicting this punishment. Once a contractor is blacklisted, all agreements entered into by him shall be terminated at his risk and cost.

17. Restoration

The question of upgrading a demoted contractor, lifting ban on business, restoring the registration and withdrawal of blacklisting shall be considered at the appropriate time on the merits of each case by the authority who passed

the original orders. Copies of orders revoking the blacklisting shall be furnished to the Chief Engineer and Government.