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NOTIFICATION

No. D. 24012/I/2001-PHE, the 22nd September, 2011. In exercise of the powers conferred under Article 162 of the Constitution of India, the Governor of Mizoram is pleased to make these rules in conformity with the provision in Central Public Works Manual, December, 2007, Section 34 and Appendix 34, for registration of Contractors under Public Health Engineering Department for all construction works.

*Short Title and
Commencement*

1. (1) These Rules may be called The Mizoram Registration of Contractors (under Public Health Engineering Department) Rules, 2011.
(2) They shall come into force from the date of publication in the Official Gazette.

Classes of Contractors

2. On and from the commencement of these rules there shall be four classes of Contractors; namely :-
 - (1) Class-I : Qualified to tender works of any amount.
 - (2) Class-II : Qualified to tender works upto Rs. 100.00 lakh
 - (3) Class-III : Qualified to tender works upto Rs. 40.00 lakh
 - (4) Class-IV : Qualified to tender works upto Rs. 15.00 lakh

Registering Authority

3. (1) Registration of Contractor Class-I shall be done by the Engineer-in-Chief, Public Health Engineering Department after recommending the application by Committee under the chairmanship of Secretary of Public Health Engineering Department, consisting of all Chief Engineers and equivalent, all Superintending Engineers and equivalent under Public Health Engineering Department as Committee Members.
(2) Registration of Contractor Class-II shall be done by Chief Engineer(s) Public Health Engineering Department within their respective jurisdiction with the approval of a Committee consisting of the Engineer-in-Chief, Public Health Engineering Department as a Chairman, all Chief Engineers, and all Superintending Engineers under Public Health Engineering Department as Members.

By promotion

A contractor desiring registration as Contractor Class-I by promotion from Contractor Class-II should have sufficient means, organization and machinery for executing the works as stated in 4(a), (b), (c), (d), (e) and (f) and should have satisfactorily executed at least 3 (three) works consisting not less than Rs. 20.00 lakh each, at least one of which has been of Water Supply or Sewerage works and the aggregate value of all such works executed has not been less than Rs. 70.00 lakh during the last five years from the date of his application.

By direct

Provided that a person possessing at least a Bachelor degree or equivalent in Civil, Mechanical or Electrical Engineering from recognized University with ten years continuous experience in the field of Water Supply and Sanitation or Solid Waste Management at least in the rank of A.E/S.D.O under Central/ State Government/Public Sector undertaking/Private concern of National repute in the field of Water Supply and Sanitation or Solid Waste Management and retired at the rank of Executive Engineer or equivalent and above shall be eligible for registration to Contractor Class-I after a lapse of two years from retirement of active Government/Public Sector Service or after obtaining permission from Government in conformity with Central Civil Service (Pension) Rules, 1972 or the employer (in case of Public and Private Sector employee).

For the purpose of direct registration, the applicant should fulfill Rules 4 Section (a) & (b).

Qualification for registration of Contractor Class-II

5.

There shall be 2(two) ways of registration for Contractors Class-II viz. by promotion and by direct registration.

By promotion

A contractor desiring registration as Contractor Class-II by promotion should have satisfactorily executed at least three works costing not less than Rs. 5.00 lakh each, at least one of which has been of RCC Reservoir works and the aggregate value of all such works executed has not been less than Rs. 18.00 lakh during the last five years from the date of his application.

By direct

Provided that a person possessing at least a Bachelor degree or equivalent in Civil, Mechanical or Electrical Engineering from recognized University, and a person having diploma in Civil, Mechanical or Electrical Engineering from recognized institution with three years or a retired non-diploma Engineer with twenty years continuous experience in the field of Water Supply and Sanitation or Solid Waste Management at least in the rank of Junior Engineer or equivalent and above under Central/State Government/Public Sector Undertaking/Private concern of National repute in the field of Water Supply and Sanitation or Solid Waste Management shall also be eligible for direct registration to Contractor Class-II after a lapse of two

and Sanitation shall also be eligible for direct registration as Contractor Class-III.

(3) Should be permanent resident of the State of Mizoram.

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| <i>Qualification for registration of Contractor Class-IV</i> | 7. | Any person or individual desiring a registration as Contractor Class-IV should be a permanent residence in Mizoram. He should produce a House Tax Clearance Certificate indicating the House Pass or Land Settlement Certificate number and year at the time of submitting his application for registration. In case of the person or individual having only House Site allotted by Revenue Department or Village Council Authority concerned, the certificate and photo copy of the House Site duly countersigned by the President of the Village Council concerned or by the Officer of Revenue Department as the case may be. | | | | | | | | | | | | |
| <i>Enlistment processing Fee</i> | 8. | <p>The Contractors shall have to pay a non-refundable enlistment fee by cross Demand Draft drawn up in favour of the Authority as prescribed below :</p> <table border="0"> <tr> <td>1) Class I Contractor</td> <td>=</td> <td>Rs. 10,000.00</td> </tr> <tr> <td>2) Class II Contractor</td> <td>=</td> <td>Rs. 5,000.00</td> </tr> <tr> <td>3) Class III Contractor</td> <td>=</td> <td>Rs. 2,500.00</td> </tr> <tr> <td>4) Class IV Contractor</td> <td>=</td> <td>Rs. 1,500.00</td> </tr> </table> | 1) Class I Contractor | = | Rs. 10,000.00 | 2) Class II Contractor | = | Rs. 5,000.00 | 3) Class III Contractor | = | Rs. 2,500.00 | 4) Class IV Contractor | = | Rs. 1,500.00 |
| 1) Class I Contractor | = | Rs. 10,000.00 | | | | | | | | | | | | |
| 2) Class II Contractor | = | Rs. 5,000.00 | | | | | | | | | | | | |
| 3) Class III Contractor | = | Rs. 2,500.00 | | | | | | | | | | | | |
| 4) Class IV Contractor | = | Rs. 1,500.00 | | | | | | | | | | | | |
| <i>Earnest Money</i> | 9. | A contractor shall have to deposit Earnest Money with each individual tender, the amount of which shall be governed by the terms and conditions of each tender. | | | | | | | | | | | | |
| <i>Security Deposit</i> | 10. | A deduction of 10% from a relevant running bill will be deducted towards the Security Deposit, and the Earnest Money deposited at the time of tender shall be treated as part of the Security Deposit, subject to a maximum of Rs. 5.00 lakh. | | | | | | | | | | | | |
| <i>Area of Operation</i> | 11. | The area of operation of Contractor Class-I, Class-II, Class-III and Class-IV shall extend to the Whole of the State of Mizoram. | | | | | | | | | | | | |
| <i>Cancellation of Registration</i> | 12. | <p>(1) If any registered Contractor(s) is found involved in any of the following activities, his or her registration shall be liable to cancellation, after a summary hearing of such contractor(s) :-</p> <ol style="list-style-type: none"> (a) Adoption of malpractices in submitting tender, drawing bills and other relevant activities (b) Failure to settle accounts with the labourers engaged for works if there is complaints received from other department etc which prima facie appear to be true i.e. persistently violate labour regulations and rules. (c) Failure to maintain good reputation and integrity (d) Failure to execute the works according to specifications (e) Sale, Sub-letting or transfer of contractual works by any means even on power of attorney without permission of the Registering Authority. (f) Disposal/Sale/Disowning of the Construction tools, plants and machineries by the merit of their possession of each plants and | | | | | | | | | | | | |

working. Definition of family members shall be as laid down in the Central Civil Services (Conduct) Rules, 1964.

- (6) No minor should be registered as contractor.
- (7) On the death of any cancelled forthwith Authority contractor his registration shall be by the concerned Registering Authority.
- (8) Performance report of Contractors shall be maintained as per para 35.5, and 35.6 of Central Public Works Department manual Volume-II in respect of Contractors Class-III and above and Confidential Register of Contractors shall be maintained in all Division offices in respect of Contractors Class-IV.

Miscellaneous

14. No Contractor whose registration has been cancelled shall be eligible for re-registration as contractor within three years from the date of cancellation of his or her Registration.

Dr. Dilraj Kaur, I.A.S.
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