

Revised Rules for Registration of Contractors.

GOVERNMENT OF MAHARASHTRA

Public Work Department

Government Resolution No. CAT- 1096/CR 172/Bldg.2.

Mantralaya, Mumbai-400 032.

Date:- 20th April 1998.

RESOLUTION

The Rules of registration of contractors, various procedures and allied matters were laid down vide Government Resolution, Public Works Department No.CAT-1079/1050/pt. II/Dcsk Bldg.2, dated 6th September 1982 which were then incorporated in Appendix-11 of the Maharashtra Public Works Manual (1984 Edition). The Government have, thereafter, effected certain changes in these Rules and procedures of registration of contractors. A considerable time has elapsed since then. The question of revision of these rules in view, prices escalation & experience of these rules was under consideration of Government for some-time past. The Government are now pleased to direct that the revised rules for registration of contractors printed as an accompaniment to this Resolution should be adopted immediately.

2. It is further directed that the existing registrations of contractors should be converted into new revised categories as below by issuing fresh registration certificates by the concerned Executive Engineer of Public Works Department for the remaining validity period in the existing category. Fresh registration/renewal/up-gradation in appropriate category will be considered thereafter by the competent authority according to these revised rules.

Class	<u>Existing category</u>	<u>New Category</u>
	Limit for tendering *	
	(Rs. in lakhs)	(Rs. in lakhs)

(I) General Works

Class I	Without limit	Without limit
II	Upto Rs.300	Upto Rs. 750
III	Upto Rs.100	Upto Rs.300
IV	Upto Rs. 50	Upto Rs.150 IV-A
	Upto Rs. 30	Upto Rs. 90
V	Upto Rs. 15	Upto Rs. 50
VI	Upto Rs. 5	Upto Rs. 15
VII	Upto Rs. 2	Upto Rs. 7
VIII	Upto Rs. 1	Upto Rs. 3
IX	Upto Rs.0.5	Upto Rs. 2

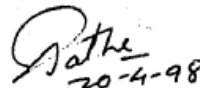
(II) Electrical Works

A	Without limit	Without limit
B	Upto Rs. 7.5	Upto Rs.25
D	Upto Rs. 2.00	Upto Rs.7.5
E	Upto Rs. 0.50	Upto Rs.2.0

Necessary corrections to the Maharashtra Public Works Manual may be issued in due course.

These orders issue with the concurrence of the Irrigation Department vide their UOR No.7, dated 27/3/1997 & 29/9/1997 January 1997, and the Finance Department vide that Department's un-official reference No.203/Vyaya-6, dated 27th June 1997 & 30th September 1997.

By order and in the name of the Governor of Maharashtra,


20-4-98

(D. V. Sathe)

Deputy Secretary to Government

Copy to-

The Secretary to the Chief Minister.

The Private Secretary to the Minister(Public Works)/(Irrigation Department).

The Personal Secretary to the Minister of State (Public Works)/(Irrigation Department).

The Finance Department.

The Accountant General, Maharashtra-I, Mumbai/The Accountant General, Maharashtra-II, Nagpur.

The Personal Assistants to Secretary (Roads)/Secretary(Works), Public Works Department.

The General Administration Department, Mantralaya, Mumbai-400 032.

The Irrigation Department, Mantralaya, Mumbai-400 032.

All other Departments of Mantralaya, Mumbai-400 032 .

Copy forwarded for information and guidance to -

All Chief Engineers under Public Works Department/Irrigation Department/Maharashtra Housing & Area Development Board/Maharashtra Industrial Development Corporation/Public Health Circle/Maharashtra State Road Development Corporation, Krishna Valley, Irrigation Development Corporations -Viz. VIDC/MIDC/KIDC.

The Commissioners of all Municipal Corporations (2 copies).

The Chief Engineer, Bombay Metropolitan Region Development Authority.

The Chief Engineer, MIDC, Marol, Mumbai.

The Managing Director, CIDCO, (5 copies) Nirmal Building, Nariman Point,

Mumbai- 400 032/MSRDC/MHADA.

All the Superintending Engineers of Circles under Public Works Department/Irrigation Department.

The Superintending Engineer & Regional Officer, MOST, Chembur, Mumbai.

The Superintending Engineer, Police Housing & Welfare Corporation, Mumbai-400 020.

The Director, Parks & Gardens, Mumbai.

All Executive Engineers under Public Work Department/Irrigation Department/Zilla Parishads.

All Chief Executive Officers of Zilla Parishads.

All Officers on Deputation.

All Officers/Desks under Public Works Department/Irrigation Department.

The Metropolitan Commissioner, Mumbai Metropolitan Regional Development Authority, Gri
Nirman Bhavan, Bandra(East).

The Dairy Development Commissioner Worli, Mumbai-400 018.

The Buildings-2 Desk, Public Works Department (Select File)

The Desk Officer (Audit), for Saar Sangraha, Public Works Department, Mantralaya, Mumbai

The Superintending Engineer in the Municipal Corporation, Pune.

ACCOMPANIMENT TO THE GOVERNMENT RESOLUTION, PUBLIC WORKS
DEPARTMENT, No. CAT 1096/CR 172/Bldg.-2, Dt.

APPENDIX-11

Rules for Registration of contractors (1998)

1. The contractors shall be classified according to their financial status and technical capability. The classification, solvency, registration fees, annual turnover and cost of works in hand and officer competent to sanction the registration/renewal of registration/Up-gradation are shown in the following table.

Class	Minimum solvency (Rs. in lakhs)	Capable of executing the work estimate to cost upto (Rs. in lakhs)	Average Annual turnover (Rs. in lakhs)	Cost of work in hand (Rs. in lakhs)	Registration Fee in Rs.	Registration sanctioning Authority.	Registering Authority/ Office.
1.	2.	3.	4.	5.	6.	7.	8.
(A) <u>General Works</u>							
I	150	Without limit	300	450	7500	Secretary to Govt., P.W.D.	Ex.Engr. PWD.
II	75	750	200	300	4500	-do-	-do-
III	30	300	90	150	3000	CE, PW Region.	-do-
IV	15	150	60	80	1500	-do-	-do-
IV-A	9	90	40	60	1500	-do-	-do-
V	5	50	25	30	750	SE, PW Circle	-do-

VI	2	15	7.50	10	750	SE, PW Circle	EE, PWD
VII	1	7	1.50	3.00	600	EE of PW Dns.	-do-
VIII	0.50	3	1.00	1.50	400	EE of PWD/ID	EE of PWD/ID
IX	0.25	2	0.50	1	400	-do-	-do-
(B) <u>Electrical Works</u>							
A	8	Without limit	20	40	2000	CE(Elec), P WD	EE of Elec. Dn. PWD.
B	4	25	10	30	1500	-do-	-do-
C	3	10	6	15	600	SE of Elec. Circle, PWD	-do-
D	1.50	7.50	3	8	400	-do-	-do-
E	0.50	2.00	1.00	1.75	300	EE of Elec. Dns., PWD	-do-

1. (a) For Registration of Contractors from other States all the documents and certificates of work done, solvency certificate etc. shall be sent confidentially to the concerned department of the other state for verification & certification and proposal shall be forwarded to Registration Sanctioning Authority after getting confirmation report.

2. No contractor may be registered or his registration renewed/up-graded unless he has a registered office in the State of Maharashtra and without full inquiry as to his stability in regard to -

(a) Financial status supported by a certificate of solvency obtained from the Collector of the District/S.D.O. of concerned district or a Banker's Solvency Certificate. Banker's Solvency Certificate should be obtained in the following form:

"This is to certify that to the best of our knowledge and information M/s/Shri-----
----- a customer of our bank is respectable and can be treated as good for an
engagement upto limit of Rs. (Rs. in words).

This Certificate is issued without any guarantee or responsibility on the Bank or any of its officer".

- (i) A solvency certificate shall not be accepted for the purpose of registration more than twelve months after the date on which it was granted.
 - (ii) A Bankers certificate which brings out the financial soundness of the contractor to the extent required for relevant category shall be accepted.
 - (iii) A solvency certificate in the name of a firm need not be insisted upon if such a certificate for the required amount in the name of one or more partners, is forth coming and it is made clear in the partnership deed that all the partners are jointly and severally responsible to meet all liabilities over and above the business of firm.
 - (iv) A Solvency Certificate issued by the Revenue Department and produced by the contractor from outside Maharashtra State can be accepted for the above purpose. However, solvency certificate issued by a Bank from a Branch of a Scheduled Bank located in Maharashtra only shall be accepted.
 - (v) The contractor shall produce Sales Tax Registration Certificate in Form II, Rule 4(1) as provided by Maharashtra State Sales Tax Act (Maharashtra Act No. XXVI of 1989. The Maharashtra Sales Tax on transfer of property in goods involved in execution of Works Contract (Reenacted) Act 1989) from the Sales Tax Department of Maharashtra State.
- (b) Professional capacity and reliability supported by certificates or recommendations of officers who have had personal knowledge of the applicant and his work.

The concerned officers should ask the contractors to produce the list of works together with the information in the proforma given below, supported by the original or attested copies of certificates from the concerned departmental authorities in respect of works carried out and works in progress in proforma along with performance certificate.

Sr. No.	Name of work	Amount of work put to tender	Date and year of commencement	Amount spent during each of last 5 years (Preceding year of application)	Amount of work still remaining to be executed.	Remarks
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Department or Organisation to opine about (i) Contractor's capacity/ Organization of work & Resources
(ii) Quality/performance of contractor.

Note: - *If any Organisation want to communicate specific remarks about works, they may do so by sending report through next higher officer to the registering authority*

- (i) 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 contractors if the partner concerned has to his credit execution of such works by virtues of monetary share and other interest. Experience gained merely as a servant will not count as proof of the capability of the firm as a whole.
- (ii) The officers concerned shall ensure that the contractors have the required experience and that they have undertaken/executed works of sufficient magnitude justifying their competency to take up the works in the class in which they seek enrolment. If the criteria given in rule (1) above is not fulfilled, in any particular deserving case, such case may be sanctioned on merits, explaining the reasons why the case deserves special considerations. Such special consideration would be for example only one large work completed but it is several times larger than required limit, work in hand falling short but turnover is very much larger than required, acquisition of large and specialised machinery. All the facts taken together should convey that the contractor is really capable of doing works of the required size in the particular class i. e. In case contractor fulfills all the conditions except one, should be considered by the officer competent to sanction the registration.
- (iii) The contractor's registration in Government/Semi-Government's Organisations such as Public Works Department/Railways/Port Trust/Bombay Municipal Corporation/Central Public Works Department/Military Engineering Services/City & Industrial Development Corporation etc. and type of work he is doing in those organizations should also be taken into consideration while granting registration in any particular category.
- (iv) The cost of works in hand should be taken as total estimated cost of works in hand. Emphasis should be more on the average annual turnover of the last 3 years.
- (v) In case of private works executed by the contractor, while working out annual turnover and value of works in hand 100% of the estimated cost of these private works should be considered if supported by the contract cost in Income tax clearance certificate.
- (vi) In case of works pertaining to registered co-operative Institutions executed by the contractor, while working out annual turnover and value of work in hand 100% of the

estimated cost of these works should be considered if certified by the Licensed Architect for value of works done in hand and the annual turnover by the Chartered Accountant or Registered Income Tax Practitioner in prescribed proforma.

3. Registration :

(a) For registration, the contractor shall submit an application in the form given in annexure 'A' to the registration authority. The application shall be accompanied by necessary documents referred to in Rule 2(a) & (b) above. In addition, the contractor shall produce the following documents along with his following application.

- i. Upto-date income tax clearance certificate.
- ii. List of technical personnel employed by the contractors with their qualifications and experience. The minimum inputs by contractor as far as technical personnel to be engaged by the contractor will be as follows:

(I) General Works:

Class -I & Class II

Two graduates in Civil Engineering or equivalent four Diploma holders in Civil Engineering and six Civil Engineering assistants trained in I.T.I. or equivalent; minimum 50% of the staff in each category should have minimum experience of 5 years in execution of construction work.

Class-III & Class-IV

One Graduate in Civil Engineering or equivalent, one Diploma holder in Civil Engineering and two Civil Engineering assistants trained in I.T.I.

Class-IV.A & Class V

One Diploma holder in Civil Engineering and one Civil Engineering assistant trained in I.T.I. or its equivalent course.

(II) Electrical Works :

Class-A & Class B : (Electrical Contractors)

One Bachelor of Engineering (Electrical) or equivalent Diploma in Electrical Engineering and two Supervisors holding competency certificate issued by the State Government.

At the stage of initial registration, contractors who desire to be registered in Class-I to Class-V shall employ qualified engineers domiciled in Maharashtra who have passed their Diploma /Degree in Engineering within a period of 3 months from their registration as mentioned in the para 3.a(ii) above. And produce the proof of appointment by way of valid Professional Tax Registration Certificate in the Form PT/R/..... Under Section(1) Of Section 5 of Maharashtra State Tax on Profession, Trade, Callings & Employment Act 1975, Rule 3(2) for Employees including technical personnel from the Professional Tax Officer of the concerned Districts in Maharashtra. If they fail to produce the certificate to that effect they should not be allowed to tender for the future work.

(iii) List of machinery owned by contractor with its present condition and location.

This should be insisted for registration in Class-II and above. The contractor should have at least one of the following three groups of machineries in good condition. This is not required for electrical contractors.

GROUP-I :

Two trucks/tipper/tractor trolley unit, one concrete mixer, one vibrator , two 5 H.P. pumps at the time of registration.

OR

GROUP II:

One earth mover unit capable of executing 2000 Cub. Mt. of earth work per day and six tippers/trucks or trollies, one Excavator or traxavator and loader, one 8 to 10 tonnes DRR, Vibratory roller one water tanker, one air compressor and one concrete mixer at the time of registration.

OR

GROUP III:

Four Trucks, Tipper water tanker, D.R.R. Vibratory Roller, asphalt mixers, boilers, hot mix plant, paver finisher etc. at the time of registration.

- (iv) Attested copy of partnership deed of the firm in case of partnership firm.
- (v) Attested copy of power of attorney in case of companies or partnership firms.
- (vi) Attested copy of valid electrical licenses issued under Indian Electricity Rules, 1956 as amended from time to time (this will be applicable to the registration in case of electrical contractors only).
- (vii) "The Sales Tax Certificate as required by para 8 (i) of Maharashtra Act-XXVI 1989(Maharashtra Sales Tax of transfer of property in goods involved in execution of works contract re-enacted/Act 1989).

(b) The registration sanctioning authority should preserve all the above documents produced by the contractor and those should not be returned to the contractor under any circumstances.

(c) The contractor applying for registration shall pay 50% of the registration fees as application fees, which will be non-refundable, along with his application form for the class in which he intends to get himself registered. If his application is accepted, he shall pay the remaining 50% registration fees. The registration fees so received shall be credited to the head "0059-public works-other receipts". 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, the concerned authority after receipt of written consent from the contractor may reconsider his application for registration for a lower class in which case a separate application or application fee will not be required. In such cases, the registration fee applicable to the class of registration granted shall only be recovered from the contractor.

(d) When registration is to be effected at the Superintending Engineer/Chief Engineer/Mantralaya level, application for registration shall be sent by the EE directly to Registration Sanctioning Authority, as it would not be feasible to entertain

applications initially in the office of the Superintending Engineer/Chief Engineer/Mantallaya.

- (e) In order to avoid delay in registration, the Executive Engineer shall fix a day in the week on which he will personally examine the applications and if the applications do not contain complete information, call the applicants and explain to them what is required and return the application for resubmission. The applications received for registration should be processed and finalised by the registering authority as well as the registration sanctioning authority within a period of 30 days each. Where the case is beyond the competence of any authority the same should be forwarded to the concerned authority with necessary documents and remarks within a period of 15 days. In any case, registration cases should be finalised within a total period of three months.
- (f) Any Executive Engineer of a territorial Public Works Division in any district may process the cases of registration of contractors directly to the Superintending Engineer or Chief Engineer or Mantallaya under whose control he works in order to avoid delays.
- (g) Initial registration will be valid for a period of 3 years from the date of order of sanctioning the registration unless there are adverse circumstances.
- (h) Every change in partners and leading technical employees or disposal of machinery or change in name of machinery should be intimated by the contractors to the registering authority forthwith.
- (i) The partnership deed executed in Maharashtra and in other States in India can be accepted for the purpose of registration.
- (j) The application for registration should be considered only if the contractor has carried out/is carrying out at least two sizable works where the value of work done in each case is not less than the maximum limit of the category two stages below the category for which he has applied (e.g. category-III for registration in category-I and so on). The weightage to be given for works carried out for private persons/bodies shall be 100% of the value of work as certified by the Chartered Accountants or Registered Income Tax Practitioner.

4. If any of the contractors who apply for registration in Class-I or Class-II are specialised for general works and Class 'A' for electrical works in one or more distinct types of works mentioned below the facts should be brought to the notice of Government, while forwarding registration cases for making a note against their names in register of approved contractors.

I. General Works ;

- (i) General Engineering (which includes building and other works which do not require specialisation).
- (ii) Water supply (including construction of water purification plants).
- (iii) Drainage and sewage disposal.
- (iv) Pile foundations.
- (v) Major Bridges and Canal structures.
- (vi) Tunnelling.
- (vii) Earthen and concrete dams.
- (viii) Road Engineering & Hot Mix Bitumen treatment.

II. Electrical Works:

- (i) Air-conditioning
- (ii) Fire-fighting.
- (iii) Lift and escalators.

Such specialisation shall be treated as an additional qualification.

5. UPGRADATION :

- (a) The contractors who desire upgradation to higher class should submit their applications in the same form which is used for initial registration along with fresh solvency certificate and all other documents as mentioned in rule 3(a) above through registering authority and pay fresh registration fee as per rule 3 (c) above. The registering authority should submit these proposals directly to the Registration Sanctioning Authority.
- (b) Upgradation from one class to another should be made on merits by the authority competent to do so taking into account the cost of works in hand and the annual average turnover, technical personnel as per the requirements for initial registration.
- (c) Subsequent to the registration in a particular category, application for upgradation to a higher category should be considered only if the contractor has carried out at least one sizable work of this Government or of Semi-Government bodies, such as MHADA, MSEB, MIDC, CIDCO etc. or local bodies, registered co-operatives or public limited companies where the value of each work is more than the maximum limit of the lower category in which the contractor is seeking registration.
- (d) The contractor's upgradation to higher category should not be normally considered within first two years of his registration. The contractor should prove his capacity by

executing sizable works as mentioned above in his existing category during this period before applying for upgradation. However, the registering authority after considering the merit of individual case may consider relaxation of the limit of 2 years in deserving cases if all other criteria are satisfied.

- (e) Upgradation given on merits as above will be valid for a period of 5 years from date of order of sanctioning the upgradation unless there are adverse circumstances.
- (f) The application for upgradation should be processed and finalised as quickly as possible as laid down in rule 3(f) above.

6. While applying for renewal of registration for Class-I to V, the contractor should satisfy the registering authority that he has continuously employed such Engineer as prescribed in Rule 3 since he is registered in that category.

7.(a)

- (i) The retired engineers or the resigned engineers from Government of Maharashtra or any Maharashtra Government Undertaking/Board of the categories of Executive Engineer and above shall be eligible for granting direct registration in Class V while the engineers at lower level will be enrolled in Class VI of the revised category of general works as well as in Class C and D category of Electrical works respectively. This concession may however, not be granted to persons who were compulsorily retired by way of punishment and with unsatisfactory record of service.
 - (ii) The resigned engineers of State Government (Junior Engineers and above) may be given registration only in Class VII if they resign with less than five years experience.
 - (iii) Intending engineers will have to fulfill the conditions of solvency certificate, security deposit, Earnest Money etc. as in the case of other contractors. They are however exempted in respect of requirement of average annual turnover and works in hand at the time of first registration.
 - (iv) This concession may be granted to those who apply for registration within five years from the date of their retirement/resignation. It is also considered that registration may not be permitted for the first 2 years after the retirement/resignation except with the permission of Government, for Engineers of the category of Executive Engineer and above.
- b) A retired member of the Armed Forces desirous of starting business as an approved contractor may be registered in Class VII or below on obtaining from him a simple

application supported by a certificate of his having served in the Armed Forces and solvency certificate along with registration fees.

8. Unemployed graduates, diploma- A.M.I.E. holders in civil/electrical engineering who are domiciled in Maharashtra and have passed the qualifying examination and have obtained the degree or diploma from University/Institution, recognised by the Director of Technical Education, Maharashtra State/State concerned, may get themselves directly registered in Class-VI in case of Civil Engineers and in Class 'D' in case of Electrical Engineers by applying in the prescribed proforma to be accompanied by the following :

- (a) Application in prescribed form (Appendix 'C').
- (b) Attested copy of certificate of Degree/Diploma A.M.I.E. examination.
- (c) Domicile Certificate.
- (d) Receipt of 50% amount for registration fees.
- (e) Attested passport-size photograph.
- (f) Certificate from the Director, Technical Education, Maharashtra State stating that the Institution conferring the Degree/Diploma in Engineering/Polytechnic, if situated out side Maharashtra State, is recognised Institution.

This concession will be available for a period of 10 years from the date of passing the respective degree or diploma examination.

The engineer registered as above, 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 50% of security deposit (which is required to pay) a nominal amount of 1% of the estimated cost subject to a minimum of Rs. 100/- shall be recovered initially and the rest by a pro-rata deduction from bills.

The members who have completed Building Maintenance and Civil Engineering Assistance Course from Industrial Training Institute and Vocational Training Board may get directly registered in Class -VII. They have to apply in prescribed proforma along with attested copy of -

- a) Certificate of Particular Course.

b) Solvency Certificate.

c) Registration Fee.

d) Domicile Certificate.

This concession is available for a period of 10 years from passing of respective course.

The members registered as above shall get exemption in payment of Earnest Money Deposit and Security Deposit given to Engineer as above.

9. A Labourer's Co-operative Society shall be given registration in Class-V, VI, VIII on its applying in the prescribed form accompanied by a certificate from the Registrar of Co-operative Societies/District Deputy Registrar or District Federation regarding its capacity and financial resources as prescribed for appropriate class of registration in lieu of solvency or Banker's Certificate, a certificate of professional capacity from the Executive Engineer in whose Division it has carried out works and necessary registration fees. Such registration will be valid for a period of 5 years from the date of issue of orders provided the society remains registered with the Registrar during that period and shall be renewed on production of fresh certificate from the Registrar/District Deputy Registrar or District Federation regarding its capacity and financial resources and a certificate of professional capacity from concerned Executive Engineer before expiry of the validity period.

10. (i) A register containing names and the addresses of the Registered Contractors shall be maintained by the Registering Authorities and the Registration Sanctioning Authorities in form prescribed in Annexure-B. Such consolidated list shall be circulated by the Registering Authorities to all Public Works and Irrigation Divisions once in a year for the first time and subsequently the list of contractors added or deleted from the list should only be circulated from the next year.

(ii) The register shall be examined by the Registration Sanctioning Authority on the 1st July of each year and at other times, if found necessary on report of specific failure or default by a contractor, while submitting tender or during execution of work or that the financial circumstances or technical capacity of a contractor have so deteriorated that he ought to be removed from register or placed in a lower class. He may proceed to do so after calling on the contractor to state within a stated time, as to why the action as proposed should not be taken against him. The authority sanctioning the registration should take action against the contractors for their removal or downgrading. Action as taken should be intimated to all concerned. Whenever a contractor is either removed from

the approved list or down graded to a lower class, he will not be entitled to any refund of registration fees.

II. RENEWAL :

- (i) For the renewal of registration, contractors shall submit their applications in prescribed form (Annexure 'A') along with fresh solvency certificate issued not earlier than one month prior to the date of application and all other documents mentioned in Rule-3(a) above to the concerned Executive Engineer, three months prior to expiry of the validity and shall pay prescribed registration fee. The Executive Engineer should submit the proposal of renewal of registration directly to the authority competent to sanction registration/renewals. It should be ensured that all the necessary documents are submitted along with the proposals.
- (ii) While recommending the proposal, it should be examined that the contractor has executed at least one sizable work of the Government or Semi-Government bodies such as MHADA, MSEB, MIDC & CIDCO etc./ local bodies and registered co-operatives has fulfilled the requirement of Annual Turnover and cost of works in hand. Costing of the sizable work should be more than the top limit of lower, but one class as compared to the class in which contractor is seeking renewal. While doing so turnover shall appear in the Income tax clearance certificate.
- (iii) The contractor's performance certificate should be considered before granting sanction to renewal of registration
- (iv) The proposals of renewal of registration should be processed and finalised quickly as laid down in rule 3(f) above.
- (v) The renewal of registration if granted by the competent authority will be valid for a further period upto 5 years and the concerned Executive Engineer should issue renewal certificate to the contractor on payment of balance of registration fees.
- (vi) In order to avoid delays, the contractors shall apply for upgradation and renewal of their registration separately.
- (vii) If the contractor has applied for renewal of his registration three months prior to the expiry of his registration and in case the renewal is delayed in processing, then the already eligible contractors may be allowed to tender for works by extending validity of the registration by 180 days by the Executive Engineer issuing registration. This period will not be extended further in any case.

(viii) If any contractor fails to apply for renewal of his registration in time as per (i) above, his registration should be treated as canceled. He shall have to apply for registration De novo

12. (a) The name of contractor who has not tendered for any work and who has tendered but failed to secure any contract of this Government or Semi-Government bodies, local bodies or registered co-operatives during the period of five years from the date of registration/renewal, should be removed from the registrar of approved contractors.

(b) In order to facilitate scrutiny by the registering authority, the contractors shall submit by 30th of April every year to the registering authority concerned in issuing registration/renewal as well as to the Superintending Engineer in whose Circle the contractor has tendered, executed works, an annual return ending March every year in the form prescribed in the Annexure 'D' with the remarks regarding his performance from the Executive Engineer in whose Division the contractor has tendered/executed works shown in the return. All the Superintending Engineers concerned shall ensure that all contractors submit the prescribed return without fail on due date and transmit the return to the registering authority after proper scrutiny.

(c) It is likely that some contractors may omit from annual return, works where there performance is not satisfactory. The Executive Engineer concerned should ensure that whenever it is observed that the performance of contractor is not satisfactory and some action towards his down grading or removal from a particular category is necessary he shall report the matter directly to the registration/renewal Sanctioning Authority with full justification for taking necessary action against the contractor.

13. If the contractor whose name has been removed, desires to take up contracts subsequently, he should apply for re-enrolment along with all prescribed documents with payment of prescribed fees. Such application shall be considered on its merit.

14. The contractor may, if he so desires, deposit the amount as per scale prescribed below with Government and secure exemption from the payment of earnest money after executing the necessary bond in the form given in Annexure 'E' a copy of which should be submitted to Government for record. The original shall be preserved carefully in the Office of the registering

authority. After executing necessary bond, the Executive Engineer shall issue necessary exemption certificate to the contractor registered in a particular category for the period upto which his registration is valid. This will exempt the contractor from payment of earnest money with each individual tender if he produces a copy of bond and certificate before the local officer whenever he tenders for works and seeks exemption :

Category	Capable of executing work of value upto	Earnest money deposit for obtaining exemption.	Remarks.
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A- GENERAL WORKS

Class-I	Without limit	Rs. 5.00 lakhs.
Class-II	Rs. 750 lakhs	Rs. 3.50 lakhs.
Class-III	Rs. 300 lakhs	Rs. 3.00 lakhs.
Class-IV	Rs. 150 lakhs	Rs. 2.00 lakhs.
Class-IV.A	Rs. 90 lakhs	Rs. 1.50 lakhs.
Class-V	Rs. 50 lakhs	Rs. 1.25 lakhs.
Class-VI	Rs. 15 lakhs	Rs. 1.00 lakh
Class-VII	Rs. 7 lakhs	
Class-VIII	Rs. 3 lakhs	
Class-IX	Rs. 2 lakhs	

E. ELECTRICAL WORKS

Class- A	Without limit	Rs. 1.00 lakhs
Class- B	Rs. 25.00 lakhs	Rs. 0.50 lakhs
Class- C	Rs. 10.00 lakhs	Rs. 0.30 lakhs
Class- D	Rs. 7.50 lakhs	Rs. 0.20 lakhs
Class- E	Rs. 2.00 lakhs	Rs. 0.15 lakhs

This deposit may be in the form of National Savings Certificate or interest bearing securities postal savings/bank pass-book etc., duly pledged for part or whole and will not be convertible to security deposit.

The Executive Engineer in-charge of work shall report telegraphically to the Executive Engineer who has issued exemption certificate when any earnest money is forfeited and the contractor shall make up that amount within ten days from the notice. In case of failure to do so, his registration shall stand cancelled and this fact shall be circulated to all the officers of the Public Works Department/Irrigation Department and other concerned Departments.

The exemption certificate once issued to the contractor, registered in a particular class will be valid upto the validity period of that registration. If the registration is renewed, fresh exemption certificate from payment of earnest money with each tender may be issued to the contractor for renewed period of registration. The refund of lump sum amount of Earnest Money deposit, if applied for by the contractor shall not be made prior to its validity period.

The contractor, upgraded to higher category is not entitled to avail the concession of payment of earnest money unless he makes payment of balance amount of deposit required for the new category and obtain fresh exemption certificate.

The amount of deposit when received in cash is creditable to the head "8336-Civil Deposit-P.W.-Deposit".

15. The work of registration of contractors or their removal or Down gradation will be in charge of territorial Public Works Divisions at Executive Engineer's level, Public Works Circle at Superintending Engineer's level, Public Works Region at Chief Engineer's level and Public Works Department, Mantralaya at Secretary's level.

16. Any contractor whose registration is rejected, cancelled or downgraded by an officer who is competent to do so, may appeal against the orders to the Secretaries' Committee at Mantralaya consisting of Secretary, Irrigation Department & Secretary, Public Works Department.

17. A contractor registered in one division shall be allowed to tender for works in other divisions provided he produces a certificate of registration or renewal thereof from the originating division that he is a registered contractor in that Division for a particular category and such certificate is valid at the time of issue of tender forms.

ANNEXURE - 'A'

(Referred in rule 3)

Application for enrolment as Contractor

1. Name of applicant and full address :
2. Whether the firm is a joint stock company, undivided Hindu family, individual or a registered partnership firm. (Attested copy of deeds or articles of association to be enclosed).
3. Name of person holding the power of attorney (attested copy of power of attorney to be enclosed).
4. Name of sole proprietors/partners with particulars/liabilities, (Attested copy of partnership deed to be enclosed).
5. Name of bankers and full address.
6. Place of business.
7. Class in which enrollment is sought.
8. Whether the contractor desires to deposit lump sum for securing exemption from payment of earnest money or will pay earnest money along with each tender.
9. List of works undertaken/executed during a period of 3 years preceding the date of application :
 - (a) Name of work.)
 - (b) Amount of work put to tender.)
 - (c) Date and year of commencement.)
 - (d) Amount spent during each of last 3 Years)
 - (e) Amount of work still remaining to be executed.)

To be shown
in separate statement

NOTE : Original or attested copies of certificates of verification of above details by the officers under whom works are carried out to be enclosed. (Photostat should also be attested by the gazetted officer in the Division where the application is made).

10. List of tools and plants in possession of the contractor (attach separate list).
11. Technical qualification and experience of the proprietor or partners and dealing technical employees in the firm (attach separate list).
12. Workshop, machines, tools and plant owned by the applicant. (Location and site of workshop and also full details regarding machines, tools etc. to be given). (Attach separate sheets).
13. Whether enlisted in any other Department/Organisation / Other State. If so in which category, showing the amount qualified to tender.
14. (a) Has the applicant or his partners or Directors been blacklisted in the past by any Government Department/ Organisation/Other State.

(b) Has the applicant applied for registration elsewhere in his name or others name. If so, whether the application is rejected give particulars.
15. Whether the applicant has produced upto date income tax clearance certificate.
16. Amount or the solvency certificate which the applicant has held or has produced.
17. I/we certify that I/we have been not and will not get myself/ourselves registered as contractor in the Department under more than one name.

(Signature of applicant
and full address

LIST OF DOCUMENTS TO BE ENCLOSED

1. Solvency Certificate for an appropriate amount (it is valid for one year only from the date of its issue)
2. Attested copy of deed of partnership and power of attorney/Articles and Memorandum of Association/
Affidavit on stamp paper in case the individual is sole proprietor of the firm.
3. Current Income Tax Clearance Certificate.
4. Works certificate for all works done during last 3 years and which are in progress.
5. Undertaking (in case of application for Class -I and Class-II) for employment of three unemployed
engineers who have passed from the State of Maharashtra from 1967 onwards.
6. Application in duplicate with all required documents.
7. Attested photos of all the partners/directors/individual.
8. Attested copy of Sales Tax Registration Certificate (As per Rule No. 2. a (v).
9. Attested copy of valid electrical licences (As per Rule No. 3.a (vi).
10. Attested copy of valid Professional Tax Certificate (As per Rule 3) for appropriate class only while
Registration & Renewal.
11. Attested copy of Registration under Employees Provident Fund Act (For Class I & Class II only).
12. Affidavit stating that contractor is not Blacklisted in any other Government/Semi-Government
Organisation.
13. List of Technical staff in prescribed format.
14. List of machinery & Workshop in prescribed format.

ANNEXURE - B
(Referred to in rule 10.2)
Register of approved contractors
(Classwise)

Name of Division

Sr No	Name of Contractor address.	Authority for registration.	Date on which the fees was credited in the cash book	Solvency Date	Certificate Amount	Class of Contractor	Remarks.	Signature of Executive Engineer.
1.	2.	3.	4.	5.	6.	7.	8.	

APPENDIX 'C'

**APPLICATION FORM FOR REGISTRATION OF DEGREE/DIPLOMA A M I
ENGINEER AS CONTRACTOR**

1. Name of Applicant and Present :
and permanent Address2.
2. Date of Birth :
3. Place of Birth
4. Technical Qualification with year :
of passing (Degree / Diploma /
Name of Institute / University).
5. Place of Business. :
6. Name of Bankers and full :
Address
7. Class in which enrollment is :
sought.
8. Whether enlisted in the :
Department or any other
Organisation. If so, State
the Category and enclose
copy of certificate.

I certify that I have not been/will not get myself registered as Contractor in the department under more than one month.

Signature of Applicant.

Enclosures:

- 1. Certified copy of Degree/Diploma A M I E Certificate.
- 2. Certified copy of Domicile Certificate.
- 3. Certificate from Director, Technical Education, Government of Maharashtra if Degree/Diploma is obtained from University/Polytechnic of State/Union Territory other than Maharashtra State.
- 4. 3 copies of passport size photos.
- 5. Zerox copy of receipt of Rs. 50/- paid as registration.
- (The applicant can show the original copy while submitting application and have it certified by Executive Engineer's office also).

ANNEXURE - D

(Referred to in Rule 12. B)

Annual return for period ending March to be submitted before 30th April by a Registered Contractor to the registering authority showing works in hand and works tendered for during the year

Name of Contractor:-

Authority for Registration
class

[illegible]

ANNEXURE - E
(Referred to in Rule 14)

Form of bond to secure exemption from payment of earnest money.

KNOW ALL MEN by these presents that we, the undersigned Note (the name of the contractor/ firm executing this bond) carrying on business as Civil Engineers and Contractors and being Registered Contractors (hereinafter referred to as "the Bounden") are held firmly bound unto the Governor of Maharashtra (hereinafter referred to as the "Government" which expression shall unless the context does not so admit include this successors and assigns) in the sum of Rs. _____ be paid to the Government for which payment will and truly to be made we bind ourselves and our successors, executors, administrators and representatives firmly by these presents duly signed by us this _____ day of _____ 19 _____

WHEREAS the above named Bounden is bound as per the terms and conditions of tenders issued by or on behalf of the Public Works Department/Irrigation Department of the Government of Maharashtra for the work/s that has/have to be executed for the said Department/s to pay to the Government earnest money for all work/s tendered or to be tendered, in future by the Bounden during the period of _____ years from the _____ day of _____ 19 _____ to day _____ 19 _____ (Hereinafter referred to as "the said period").

AND WHEREAS as per rule _____ of _____ 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 Executive Engineer, _____ Division, (hereinafter referred to as the Executive Engineer) for and on behalf of the Government in cash a sum of Rs. _____ Government securities of the market value of Rs. _____ and executes a bond in favour of Government in the form prescribed thereof being these present.

AND WHEREAS the Bounden have delivered to/deposited with the Executive Engineer, in the account of the Government standing in the name of the Executive Engineer, a sum of Rs. _____ in cash or in Government securities, specified in the List hereunder written of market value of Rs. _____ for the purpose of securing exemption from the payment of such earnest money to the Government in respect of such earnest money to the Government in respect of work/s tendered to be tendered by them.

NOW THE CONDITION of the above written bond is such that if during the said period the Bounden shall be given the work of works tendered for 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 Government in that behalf during the continuance of the aforesaid exemption is duly paid by them separately to the Government 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 Government that the deposit of Rs. _____ so made as aforesaid shall be and remain in the said account of the Government as earnest money for the purpose aforesaid with full powers to the Government or the officers, officers and servants of the Government duly authorised in that behalf from the 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 or earnest money payable along with the submission of that particular tender, on the happening of and of the events on account of which under the terms and conditions of the said tender, the earnest money is liable to be forfeited being so made the Bounden shall within _____ days of the date of any such forfeiture deposit in the said account a sum sufficient to make up the said deposit of Rs. _____ either in cash or Government securities of the market value of Rs. _____.

It is hereby further agreed and declared by and between the Bounden and the Government that in the even of the Bounden claiming for the refund of the above lump sum 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 Executive 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 the _____ Division of the Public Works Department/Irrigation Department PROVIDED ALWAYS that the return at any time of the said deposit or any part thereof shall not be

deemed to effect the right of the Government 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 of 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 Government during the continuance of the aforesaid exemption and if the aforesaid deposit of Rs. _____ is less than the amount of earnest money deposit to be paid with a particular tender, the Government or the officers and servants of the Government 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 Government.

IN WITNESS WHEREOF the above named Bounden have hereto set their respective hands and the Executive Engineer _____ Division has for and on behalf of the Governor of Maharashtra set his hand and affixed his official seal hereto the day and year herein above written.

SIGNED AND DELIVERED BY
the above named Bounden in
the presence of:

1.
Address

2.
Address

SIGNED SEALED AND DELIVERED
by Shri
Executive Engineer,
_____ Division, in the presence of -

1.
Address

2.
Address