

BY SPEED POST
URGENT

F.No. D-21014/01/2017-ADMIN
Government of India
Ministry of Coal

Room No.104-C wing
Shastri Bhawan, New Delhi
Dated: 4th January, 2018

To
M/s Shivangi Enterprises Ltd.,
10/17, Lakpat Colony,
Mittapur,
New Delhi-110044
(Mobile:98738607772/7838075735)

Subject: Blacklisting of M/s Shivangi Enterprises Ltd., New Delhi for violation of terms and conditions of NIT and Contract Award of CAMC of ACs of Ministry of Coal installed in Shastri Bhawan and Lok Nayak Bhavan.

Sir,

I am directed to refer to this Ministry's tender notice No.19016/01/2015-Admin dated 5th December, 2016, your tender quotation No. Nil dated Nil and to this Ministry's offer letter No.19016/01/2015-Admin dated 9th March, 2017 wherein your company has been awarded the CAMC for the items listed below of Air Conditioners installed at various offices of Ministry of Coal as well as at the residence of Minister of Coal for a period of one year from the date of award of contract subject to the terms and conditions mentioned in the offer letter dated 9th March, 2017 and NIT dated 5th December, 2016:-

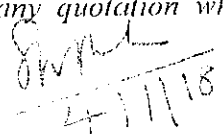
Table 1: Rates for other items as per Table B of Annexure-I of NIT:-

S.No.	Item/Description	Rates (Including Taxes)
1.	Installation/re-installation/shifting of Water Coolers including material, if required	Rs.48/-
2.	Supply and installation of new Iron Stand for Split ACs	Rs.300/-
3.	Supply of new remote for Split AC	Rs.500/-

2. In the offer letter of Ministry of Coal it was mentioned that your company was requested to accept the Contract and terms and conditions of NIT within a week. The company vide its letter dated 15/3/2017 has replied that it will not be able to take AMC for the above mentioned items and will accept the AMC only if all the items of mentioned in the contract are given.

3. In this regard, the following is stated:-

a) As per Para 5 of the NIT which states inter-alia- "The Ministry reserves the right to reject or accept all or any quotation whole or in part without assigning any reasons thereof".


4/1/18

b) As per **Para 19 of the NIT** which stipulated that - *"In the event of contractor backing out of the contract before term, without prior explicit consent of the Ministry, not only the EMD would be forfeited but also he will be liable to the recovery of the higher cost vis a vis that contracted with him incurred by the Ministry for the balance period of the contract through alternative means and would also be blacklisted for the future contracts in the Government Departments.. "*

4. In the offer letter of Ministry of Coal under reference, one of the condition stipulates that in the event of contractor backing out of the contract before term, without prior explicit consent of the Ministry, not only the EMD would be forfeited, but also the firm will be liable to the recovery of the higher cost vis-à-vis that is contracted with him and incurred by the Ministry of Coal for the balance period through alternative means and **would also be blacklisted for future contracts in the Government Ministries/Departments.**

5. Since the company had participated in the complete tender process and received the offer letter of Ministry of Coal under reference for the items in which the company has bid the L-1 price, which has not been accepted by the company, the company has been issued a **SHOW CAUSE NOTICE** vide this Ministry's letter of even number dated 18.09.2017 to explain the reasons for not accepting the offer letter and as to why the action against the company cannot be taken as per the terms and conditions of the Ministry of Coal's offer letter No.19016/01/2015-Admin dated 9th March, 2017 and NIT dated 5th December, 2016.

6. M/s Shivangi Enterprises Ltd. vide its letter No. Nil dated 5.10.2017 has replied to the show cause notice issued to it. In its reply, the firm has stated that it has been awarded AMC for only some work and not the entire and whole AMC work to it. The company has reiterated that it may be awarded the whole AMC work of ACs in Ministry of Coal. The company has conveyed its unwillingness to accept the offer relating to items given for award of contract. The company is ready to take work if whole AMC is given to it. It has also requested for return of EMD.

7. The reply of the company has been examined in light of the terms and conditions of NIT published, offer letter of Ministry of Coal, Rule 2.2.6 of Manual for Procurement of Consultancy & other services 2017 and the provisions of GFR, 2017. Rule 2.2.6 of the Manual of Procurement of Consultancy & Other Services stipulates as under:-

"ii) If a contract has already been awarded,

a) cancellation of the relevant contract and recovery of compensation for loss incurred by the Procuring Entity;

b) forfeiture or encashment of any other security or bond relating to the procurement;
c) recovery of payments made by the Procuring Entity along with interest thereon and the prevailing rate;

iii) Provisions in addition to above,

a) removal from the list of registered suppliers and banning/debarment of the bidder from participation in future procurement of the Procuring Entity for a period not less than one year;


Amal
4/11/18

b) in case of anti-competitive practices, information for further processing may be filed under a signature of the Joint Secretary level officer, with the Competition Commission of India;

c) Initiation of suitable disciplinary or criminal proceedings against any individual or staff found responsible. "

8. The reply of M/s Shivangi Enterprises has not been found satisfactory and the company has been found violating the terms and conditions of NIT, offer letter of Ministry of Coal and the provisions of Manual of Procurement of Consultancy and other services, 2017 and GFR, 2017. In view of this, the services offered to M/s Shivangi Enterprises **are terminated forthwith** from Ministry of Coal and the EMD of Rs.10,000/- deposited at the time of submitting tender **is forfeited**. Further, M/s Shivangi Enterprises is **debarred** from participating in future tenders/NITs of Ministry of Coal as and when published and **is hereby blacklisted for future contracts** with immediate effect.

Yours faithfully,


(MV Balasubramanian)
Section Officer (Admin)
Tel. No. 011-23386867

Copy to the following for information and necessary action:-

1. All Ministries/Departments of Government of India.

2. ✓ TD, NIC Cell, Ministry of Coal for uploading in Website of Ministry of Coal.

मे. वि. बालसुब्रामणियन / M. V. BALASUBRAMANIAN
अनुभाग अधिकारी / Section Officer
भारत सरकार / Govt. of India
कोयला मंत्रालय / Ministry of Coal
शास्त्री भवन / Shastri Bhawan
दिल्ली