



WEST BENGAL HOUSING BOARD

(Estd. under W.B. Act XXXII
of 1972)

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Memo .No:- 438 /JD(EP)/HB

Dated :- 24.11.2017

NOTICE INVITING QUOTATION (e-NIQ) 2nd Call

NIQ No:-WBHB/JD(EP)/NIQ-04 /2nd Call/2017-2018

E-Quotations are invited by West Bengal Housing Board from reputed sole proprietorship / partnership firms in the field of company secretarial ship for engaging legal consultancy services having proficiency in Company Law [Companies Act 2013 (New Act)].

. (Submission of Bid through online in two fold system).

Name of Work	Earnest Money	Cost of Bidding documents (Non- refundable)	Period of Completion	Engineer-in-charge of the work	Eligibility of Bidder
ENGAGING COMPANY LAW CONSULTANT EXPERTISED IN COMPANY SECRETARIAL PRACTICES ON A RETAINERSHIP BASIS FOR 8 nos Joint Sector Co.'s(JSCs) & 2 nos Assisted Sector Co.'s(ASCs).	Rs 2000.00 to be paid in the form of Bank Draft / Pay order from any nationalized/ Scheduled Bank drawn in favour of 'West Bengal Housing Board'. (Scanned copy to be produced at the time of Bid submission)	To be disclosed later as per norms and only to be deposited by the successful Bidder during formal agreement after issuance of LOA.	12(Twelve) months	Joint Director (EP), WBHB.	Bonafied and Resourceful Agencies having experience in similar nature of service fulfilling requisite eligibility criteria as stated in the NIQ Eligibility.

1. Intending bidder shall download the Quotation documents from the website: <http://wbtenders.gov.in> directly with the help of Digital Signature Certificate & necessary earnest money may be remitted through demand draft/pay order issued from any nationalized/scheduled bank in favour of **West Bengal Housing Board'** and also to be documented through e-filing (scan copy is to be submitted) The L1 bidder shall submit the hard copy of the documents to the tender inviting authority with his acceptance letter of the LOI/LOA (including the balance amount of earnest money). Failure to submit the Hard copy with the acceptance letter within the time period prescribed for the purpose, may be construed as an attempted to disturb the tendering process and dealt with accordingly legally including black listing of the bidder.
Rest amount of 2% EMD to be deposited only by the successful bidder after finalization of total Bid value.

A. INTRODUCTION

West Bengal Housing Board was constituted by the Government of West Bengal under WBHB Act,1972 under the Administrative control of the Housing Department with the aim of real estate development in the State.

B. IMPLICATION OF JOINT VENTURES

West Bengal Housing Board works with the private parties in the form of Joint Venture Companies (JVCs) and Assisted Sector Companies (ASCs) established under Companies Act,1956 for the development of real estate. The Joint Ventures and Assisted Sector Companies have the representation of government (Housing Board & Department) by way of Nominee Directors to safeguard the interest of Government.

C. PROPOSAL

The quotation invited is for engagement of Law Consultant handling corporate secretarial issues as per the scope of work described below.

D. PERIOD OF CONTRACT

The period of engagement will be initially for one year w.e.f. January 2018, but may be extended for further period.. The extension will be at the sole discretion of the Housing Board.

E. QUOTATION OF RATES

The rates are to be quoted on **Basic rate plus Taxes will be applicable as per rule** on an annual basis both in words and figures in the respective letterheads along with signature and membership number of professional body. In case of any difference between the amount quoted in figure & words, the amount in words shall prevail.

F. ELIGIBILITY CRITERIA

Eligibility Criteria For Participation In The Quotation.

- i) Intending Bidders should produce credentials of a similar nature of services of the minimum value of 30 % (Price updated @ 10% per annum, compoundable from the date of completion of work)of the Work Value put to Quotation during 5 (Five) years, prior to the date of issue of the Quotation under Govt. Sector, Semi Govt. Sector, Corporations, Govt. Companies, Boards, Autonomous/Statutory Bodies, Reputed Bank, Local Bodies, etc. OR
- ii) Intending Bidders should produce credentials of 2 (two) similar nature of work, each of the minimum value of 20% of the estimated amount put to tender during 5 (five) years prior to the date of issue of this Quotation notice of similar nature. OR
- iii) In case of running works, only those Bidders who will submit the certificate of satisfactory running work from the concerned EIC, or equivalent competent authority will be eligible for the Quotation. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency,i.e Quotationer
- iv) The Quotationer shall have experience in corporate practices, Secretarial and legal issues and should be qualified Company Secretary having certificate of practice from the Institute of Company Secretaries of India for at least 3 years. . (*preferably in housing or real estate companies*)
- v) Bidder/ Quotationer must not have been blacklisted or deregistered by any central/state government department or public sector undertaking.

- vi) Bidder/ Quotationer should submit a written power of attorney authorizing the signatory of the bid to commit the bidder.
- vii) The Quotationer shall have an office at Kolkata
- viii) The Quotationer must have I.T.Registration No, P.Tax certificate, Pan Card No,GST Registration No.(In case of Quoted amount exceeded Rs 20,000,00.00(Rupees Twenty lacs) (Copy of necessary documents are to be submitted in the Technical folder).
- ix) Maximum Annual Turnover of the Quotationer for last 3 (Three) years should have Rs 5,00,000.00 (Rupees Five lacs)
- x) The proposal for this contract will be considered only fro those bidders (Proprietorship firms, partner ship firms, companies, corporations, consortium etc) who meet requisite eligibility criety subject to complying with the provisions.

Bidding Process:

The Technical Bid consisting of documents in support of eligibility criteria are required. Financial bid will be called from successful technically qualified firms. The Technical Bid will be evaluated w.r.t. eligibility criteria and on the basis of marks stated below.

Evaluation of Technical Bid for the empanelment of Independent Auditors shall be made on the following basis: -

Sl. No	Particulars	Maximum Marks.	Marks
1	Experience in Corporate practices, Secretarial and Legal issues	20	
	At least 5 years		10
	>5 to 10 years		15
	>10 years .		20
2	Annual Turnover of the Firm (Average of last 3 years)	20	
	At least INR 5 lacs		14
	>INR 5 lacs To INR 10 lacs.		16
	>INR 10 lacs To INR 20 lacs.		18
	>INR 20 lacs .		20
3	Registered in different Company for doing same nature of job in any of the last 3 Financial Years.	20	
	At least 5 companies including /GOVT/Statutory bodies <i>Did not deal with housing or real estate companies</i>		8

	At least 5 companies(<i>dealt with housing or real estate companies</i>)		12
	More than 5 to 10 companies including /GOVT/Statutory bodies <i>Did not deal with housing or real estate companies</i>		12
	More than 5 to 10 companies (<i>dealt with housing or real estate companies</i>)		14
	More than 10 companies including /GOVT/Statutory bodies <i>Did not deal with housing or real estate companies</i>		16
	More than 10 companies <i>dealt with housing or real estate companies</i>		20
		60	

Each Technical Bid having fulfil minimum criteria set for all 3 categories will be evaluated by the Tender Evaluation Committee on the basis of the points as mentioned above ie a maximum achievable score of 60.00.

Those securing average score of 75% or above in Technical Bid will qualify for financial bid (WBHB reserves the right to reduce the average qualifying marks up to 60%.)

After opening the financial bids of the Technically qualified Bidders the Financial evaluation statement will be sent to Tender Committee and Technical-Cum-Works-Committee, for their consent/objection, if any,

G. SCOPE OF WORK

1. To advice Nominee Directors regarding Statutory Compliances required to be observed by the companies quarterly, half-yearly and annually both in the form of maintenance of registers and submission of returns for **8 (Eight) Joint Sector Companies & 2 (Two) Assisted Sector Companies**
2. To visit the office of Joint Venture Companies as and when required for verification of secretarial records and to verify the statutory secretarial compliance to safeguard the interest of Nominee Directors and to submit quarterly report thereon.
3. Checking of the annual declarations, disclosure of non-disqualifications to be filed by the Nominee Directors, online discussions as and when required of the agendas before the Board Meeting / Committee Meeting, as the case may be.
4. Making frequent visits as and when required to the West Bengal Housing Board & Housing Department. Reporting of the compliances of JVCs and ASCs to the West Bengal Housing Board, Housing Department and Nominee Directors.
Rates are to be quoted by the agency as Basic rate plus taxes will be applicable as per rule for offering such services for **Nominee Directors of 8 (eight) Joint Sector Companies & 2 (Two) Assisted Sector Companies.**
5. To give opinion in respect of JVC/ASC as and when will be required by WBHB.
Out of pocket expenses for conveyance, boarding and lodging charges for out station assignment to be reimbursed upon placement of actual Bills.

H. RESPONSIBILITY OF QUOTATIONER/CONSULTANCY FIRM

If any occurrence arises for non compliance of statutory compliances due to absence of any reports/advices to nominee Directors/WBHB as required thereon from such consultancy firm, responsibility should be imposed upon them.

I. DATE OF OPENING OF APPLICATIONS

E-Quotations addressed to Housing Commissioner are to be submitted through on line (<http://wbtenders.gov.in>) on and from **28.11.2017 at 11.00 hrs**

J. NORMS

Tender should be submitted by mentioning the details of Name of Firm, Name of Partners & their period of experience, No. of staffs (qualified/semi-qualified/non-qualified) and the experience of Company Secretarial ship mentioning names of the companies.

K. DELIVERY OF APPLICATIONS

Acceptance of e-quotation will rest with the West Bengal Housing Board and reserves to it the authority to reject any or all quotations received without assigning any reason whatsoever

L. BILLING & PAYMENT PROCEDURE

A bill may be submitted by the qualified quotationer in triplicate before the Officer-in-Charge (O.I.C.) under Accounts Wing of WBHB, on submission of report in accordance with stage with respect to the scope of work as per NIQ ie. 1st stage (Quarterly) ,2nd stage (Half yearly) & 3rd stage(Annualy) respectively. On submitting the bill (stage wise) therefore be entitled to receive a stage payment(25 (Twenty five)%,25(Twenty five) % & 50 (Fifty)% respectively of the quoted amount after approval and passed by the DFA cum DCAO, whose certificate of such approval and passing of the sum so payable shall be final and conclusive against the Quotationer. [All intermediate payments shall be regarded as payments by way of advance against the final payment]

. Deduction of Taxes & duties:- As applicable, as per norms.

L. Important Information: Date & Time schedule

Sl.NO	Particulars	Date & Time
1.	Date of uploading of N.I.Q. and Bid	24.11.2017
2.	Date & time of start of downloading Bid	24.11.2017at 18.00 hrs.
3.	Date & time of start of Bid submission (On line)	28.11.17 at11.00hrs
4.	Date & time of closing of Bid Submission	01.12.2017 at 18-00 hrs
6.	Date & time of Bid opening for Technical Proposals (Online)	04.12.2017. at 11-00 hrs
7.	Date of uploading list of technically qualified bidders (online)	To be notified after evaluation of Technical Bid.
8.	Date & time of Bid opening for Financial Proposal (Online)	To be notified during uploading of Technical Evaluation Sheet of Bidders

No Conditional/ Incomplete Quotation will be accepted under any circumstances.

In case of ascertaining the authority of the intending bidders at any stage of Quotation process or execution of work, necessary registered irrevocable power of attorney in original is to be produced for verification as and when asked for by the

Quotation Inviting & Accepting Authority / Engineer -in- Charge.

12. During the scrutiny, if it comes to the notice to Quotation inviting authority that the credential or any other paper found incorrect/ manufactured/ fabricated, that bidder would not be allowed to participate in the Quotation and that application will be out rightly rejected without any prejudice.

The Quotation Inviting Authority reserves the right to cancel the N.I.Q. due to unavoidable circumstances without assigning any reason, whatsoever, to the bidders and no claim in this respect will be entertained.

13. During the process of scrutiny of Quotation document, the Quotation inviting authority or his authorized representative may verify the credential and other related documents as submitted by the Bidders with the original, if necessary. After verification, if it is found that the documents submitted by the Bidders is either manufactured or false, the bid submitted by the Bidder will be summarily rejected and the Earnest Money deposited by the bidder will be forfeited by the Quotation Inviting Authority without assigning any reason thereof.

**Joint Director (EP),
West Bengal Housing Board.
For and on behalf of
HOUSING COMMISSIONER
WESTBENGALHOUSINGBOARD**

Memo.No: 438 /1(9) /JD(E.P)/HB

Dated 24.11.2017

Copy forwarded for kind information to :-

1. Housing Commissioner, WBHB
2. JHC & Secy., WBHB
3. FA-Cum-CAO, WBHB/D.FA, WBHB
4. Director (Engg.), WBHB
5. CA-Cum-AP, WBHB
6. Deputy Director(EP)-III
7. L.A.O./AHC-I, WBHB with the request to publish the Notice in BOARD's Web site.
8. A.D (EP), Estimator under JD(EP), WBHB.
9. Notice Board

**Joint Director (EP),
West Bengal Housing Board.
For and on behalf of
HOUSING COMMISSIONER
WESTBENGALHOUSING BOARD**

WEST BENGAL HOUSING BOARD

Section-1

INSTRUCTION TO BIDDERS

• GENERAL

General guidance for e-QUOTATION

Instruction/Guidelines for Quotations for electronic submission of the Quotations online have been annexed for assisting the contractors to participate in e-QUOTATION.

1. Project Background

West Bengal Housing Board (hereinafter referred to as "WBHB" or the "Client") intends to engage reputed sole proprietorship / partnership firms in the field of company secretarial ship for engaging legal consultancy services having proficiency in Company Law [Companies Act 2013 (New Act)].

Above details are tentative and are subject to change. Above description is given only for the purpose of submitting the proposal.

2 Scope of Work

West Bengal Housing Board was constituted by the Government of West Bengal under WBHB Act,1972 under the Administrative control of the Housing Department with the aim of real estate development in the State.

West Bengal Housing Board works with the private parties in the form of Joint Venture Companies (JVCs) and Assisted Sector Companies (ASCs) established under Companies Act,1956 for the development of real estate. The Joint Ventures and Assisted Sector Companies have the representation of government (Housing Board & Department) by way of Nominee Directors to safeguard the interest of Government.

The quotation invited is for engagement of Law Consultant handling corporate secretarial issues as per the scope of work described below.

The scope of the work under these terms of reference would consist of but not limited to the provisions laid down below.

(A) PREPARATION OF BIDS

1. Registration of bidder

Any bidder willing to take part in the process of e-QUOTATION will have to be enrolled and registered with the Government system through log In on to <https://e-tender.wb.nic.in> (or on the web portal of West Bengal Housing Board). The contractor is to click on the link for e-tender site as given on the web portal.

2. Digital Signature Certificate (DSC)

Each bidder is required to obtain a class-II or class-III Digital Signature Certificate (DSC) for submission of Quotations from the approved service provider of the National Informatics Centre (NIC) on payment of requisite amount. Details are available at the website stated in clause-1 above. DSC is given as a USB e-Token.

3. Collection of Quotation Documents

The Bidder can search & download NIT and bid documents electronically from computer once he logs on to the website mentioned above using the Digital Signature Certificate. This is the only mode of collection of Quotation documents.

4. Participation in more than one work

A prospective bidder shall be allowed to participate in the job either in the capacity of individual or as a partner of a firm. If found to have applied severally in a single job, all his applications will be rejected for that job.

(B).SUBMISSION OF BIDS

Bids are to be submitted through online to the website stated in Cl. 1 in two folders at a time for each work, one in Technical Proposal & the other in Financial Proposal before the prescribed date & time using the Digital Signature Certificate (DSC). The documents are to be uploaded virus scanned copy duly Digitally Signed. The documents will get encrypted (transformed into non readable formats).

a). Technical proposal

The Technical proposal should contain scanned copies of the following further two covers (folders).

Non Statutory Cover Containing (Packet 1)

1. Particulars relating to Qualification of Bidder – Eligibility and Qualification Criteria as per Clause F.(Self Attested)
2. Self attested copies of PAN CARD, EPF Code No., Professional Tax Enrolment No. and GST Registration Certificate.(If necessary), Certificate of Registration/Practice from the Institute of Company Secretaries of India.
3. A written Power of Attorney authorizing the signatory of the bid.
4. Undertaking for not been blacklisted .
5. Scanned copy of Earnest money in the form of Bank draft/ Pay order

b). Financial Proposal to be Submitted by the Bidder Statutory Cover Containing (Packet 2)

- i) Entire original NIQ document containing the Financial offer.

(C) Withdrawal of Quotation

A quotation once submitted shall not be withdrawn within a period of 120 days from the last day of the opening of the financial bid of the quotation. If a Quotationer withdraws his quotation within this period without any valid reason, necessary appropriate legal action may be taken against the Bidder.

(E) Quotation Evaluation committee (TEC)

i. Opening and evaluation of Quotation :-

If any Quotationer is exempted from payment of EMD, copy of relevant order needs to be furnished.

- ii. Technical proposals will be opened jointly by The Joint Director(EP) and any other Engineer Officer(s) of WBHB (holding DSC) electronically from the web site using their Digital Signature Certificate.
- iii. Intending Quotationers may remain present, if they so desire.
- iv. Cover (folder) statutory documents should be opened first. If there is

- any deficiency in the statutory documents, the Quotation will summarily be rejected.
- v. Decrypted (transformed into readable formats) documents of the non-statutory cover will be downloaded and handed over to the Quotation Evaluation Committee.
 - vi. Bid opening summary of the Technical Bid is then uploaded to send email to all the participating Bidders.
 - vii. Pursuant to scrutiny and decision of the Quotation Evaluation Committee, the summary list of Qualified & Non-qualified Bidders for the work (mentioning the serial number) will be uploaded in the web portals.
 - viii. While evaluation, the committee may summon the QUOTATIONERS and seek clarification / information or additional documents or original hard copy of any of the documents already submitted and if these are not produced within the stipulated time frame, their proposals will be liable for rejection.

(F). Penalty for suppression / distortion of facts/Non Performance/Losses

Submission of false document by Quotationers strictly prohibited and in case of such act by the Quotationers the same may be referred to the appropriate authority for prosecution as per relevant IT Act with forfeiture of earnest money forthwith. In case of non-performance /Loss, the performance BG shall be en-cash proportionately.

(G). REJECTION OF BID

The Employer (Quotation accepting authority) reserves the right to accept or reject any Bid and to cancel the Bidding processes and reject all Bids at any time prior to the award of Contract without thereby incurring any liability to the affected Quotationer or Quotationers or any obligation to inform the affected Quotationer or QUOTATIONERS of the ground for Employer's (Quotation accepting authority) action.

(H) Opening of Financial Bid

- a) Financial proposals will be opened by the Joint Director(EP) along with other authorised Engineer Officer(s) of WBHB electronically as per schedule date, time place.
- b) After opening of Financial Bid if situation demands, the Joint Director(EP) WBHB may call off-line open Bid among the Bidders to lower down the offer rate further.

(I) Award of Contract

The Quotationer whose Bid has been accepted will be notified by the Quotation Inviting and Accepting Authority through acceptance letter/ Letter of Acceptance. The Letter of Acceptance will constitute the formation of the Contract. The Agreement in Printed Quotation Form will incorporate all necessary documents e.g. LOA, N.I.Q. with all addenda-corrigendum, Instruction to Bidders special terms and condition and the same will be executed between the Quotation Accepting Authority and the successful

QUOTATIONER.

Throughout these bidding documents, the terms 'bid' and 'Quotation' and their derivatives(bidder/Quotation, bid/Quotation, bidding/QUOTATION, etc.) are synonymous.

• (J) NOTIFICATION OF AWARD

Prior to expiration of the period of bid validity prescribed by the Employer, the Employer will notify the successful bidder by e-mail confirmed by registered letter that his bid has been accepted. This letter (hereinafter and in the Conditions of Contract called the "Letter of Acceptance") shall name the sum which the Employer will pay the Agency in consideration of the execution of the Services by the Agency as prescribed by the Contract (hereinafter and in the Conditions of Contract called "the Contract Price").

The notification of award will constitute the formation of the Contract.

Upon final selection of the bidder, the Employer will promptly notify the other bidders that their bids have been unsuccessful.

Signing of Agreement

At the same time that he notifies the successful bidder that his bid has been accepted, the Employer will send the bidder the Form of Agreement provided in the NIT documents, incorporating all agreements between the parties.

Within seven days of receipt of the Form of Agreement, the successful bidder shall sign the Form and return it to the Employer.

(N) Suspension

If the Agency fail to perform any of their obligations under this Contract, including the carrying out of the service provided, the WBHB may, by written notice of suspension to the Agency, suspend all payments (Full/Part) to the Agency hereunder, such notice of suspension shall specify the nature of the failure and with the request to the Agency to take remedy of such failure within a period not exceeding thirty (30) days after receipt by the Agency of such notice of suspension.

(O) Termination

The WBHB may be terminate by not less than thirty (30) days' (Written notice of termination) for the following reasons:-

- (a) if the Agency fails to remedy a failure in the performance of their obligations hereunder, as specified in a notice of suspension hereinabove, within thirty (30) days of receipt of such notice of suspension or within such further period as the Client may have subsequently approved in writing;
- (b) if the Agency become insolvent or bankrupt or enter into any agreement with their creditors for relief of debt or take advantage of any law for the benefit of debtors or go into liquidation or receivership whether compulsory or voluntary;
- (c) if the Agency submit to the Client a statement which has material effect on the rights, obligations or interests of the Client and which the Agency know to be false;
- (d) if, as the result of Force Majeure, the Agency are unable to perform their services.

(e) if the Client(WBHB), in its sole discretion and for any reason whatsoever, decides to terminate this Contract.

(P) Payment upon Termination

Upon termination of this Contract hereof, the Client shall make the following payments to the Agency:

- (i) amount for items of service which have been executed prior to the date of termination but payment for the same not yet made to the Agency.
- (ii) a proportionate sum being the amount of any expenditure reasonably incurred by the Agency for the Service partially performed.

Settlement of Dispute and Arbitration

1.)All disputes and differences arising out of or in connection with the contract and services of any nature assigned under the same (whether during the progress of the services or after their completion), determination, abandonment or breach of the contract shall be referred by Housing Commissioner, WBHB to a team of three men arbitrator appointed by the Housing Commissioner, WBHB. The arbitrators shall elect an Chairman among them. In case of conflicting findings by the arbitrators, the decision of the Chairman shall be final and binding. In all cases, the arbitrators shall state their decision in writing and if amount of claims in dispute is Rs.50,000/- and above, the arbitrators shall give reasons for award.

2) Subject as aforesaid the provisions of the arbitrations cancellation act or any statutory modification or re-enactment thereof and the rules made there under and for the time being in force shall apply to the arbitration proceeding under this clause.

3) It is a term of the contract that the party involving the arbitration shall specify the dispute or dispute to be referred to the arbitrator under this clause together with the amount or amounts claimed in respect of each such dispute.

4) It is also a term of the contract that if the contractor's do not make any demand for arbitration in respect of any claims in writing within 90 days of receiving the intimation from the CPCB that final bill is ready for payment, the claim of the contractor's will be deemed to have been waived and absolutely barred and the board will be discharged and released of all liabilities under the contract in respect of these claims.

5) The decision of the employer regarding the quantum of reduction as well as justification thereof in respect of rates for sub-standard services which may be decided will be final and would not be open to arbitration.

**Joint Director (EP),
West Bengal Housing Board.
For and on behalf of
HOUSING COMMISSIONER
WESTBENGALHOUSING BOARD**

