

केन्द्रीय लोक निर्माण विभाग

कार्यालय ज्ञापन

No. DG/SOP- 2022/19

ISSUED BY THE AUTHORITY OF DIRECTOR GENERAL, CPWD

Nirman Bhawan, New Delhi

Dated: 10.11.2023

Sub: Modifications in SOP No. 4/1, 5/1, 5/2, Annexure-21, Annexure-22 and Annexure-23 of SOP for CPWD Works Manual-2022 – Receipt and refund of EMDs online through e-gateway of SBI for e-tendering as pilot cases - regarding.

Following modifications in SOP no. 4/1, 5/1, 5/2, Annexure-21, Annexure-22 and Annexure-23 of SOP for CPWD Works Manual-2022 regarding earnest money deposit (EMD) through e-tendering are made as under and shall only be applicable for CPWD divisions C, E, I, N and Central Secretariat under ADG (Delhi) as pilot cases with immediate effect:-

Existing Provisions	Modified Provisions
SOP No. 4/1: E-Tendering (Refer Para 4.4 (3))	SOP No. 4/1: E-Tendering (Refer Para 4.4 (3))
14. Information and instructions for tender inviting authority for e-tendering	14. Information and instructions for tender inviting authority for e-tendering
(ii) The NIT approving authority/ Tender inviting authority at the time of issue of NIT also fills and upload the following prescribed format of receipt of deposition of original EMD along with NIT:-	No change
Receipt of deposition of original EMD	Reference of deposition of online payment / and Bank Guarantee including e-Bank Guarantee as EMD
(Receipt No. / date)	(Receipt No. / date)
1. Name of work *	No change
2. NIT No. *	No change
3. Estimated cost *	No change
4. Amount of Earnest Money Deposit ... *	No change
5. Last date of submission of bid *	No change
(*To be filled by Tender inviting authority/NIT approving authority at the time of issue of NIT and uploaded along with NIT)	(*To be filled by Tender inviting authority/ NIT approving authority at the time of issue of NIT and uploaded along with NIT).

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1. Name of Contractor#
2. Form of EMD#
3. Amount of Earnest Money Deposit
..... #
4. Date of submission of EMD#

Signature, Name and Designation of
EMD receiving officer along with Office
stamp

(# To be filled by EMD receiving
EE/DDH)

No change

No change

No change

No change

No change

**SOP No 5/1: Mode of Deposit
Earnest Money (Refer Para 5.1.3 (1))**

1. The Earnest Money is accepted
only in the following forms:
 - (i) *Banker's Cheque of a Commercial
Bank*
 - (ii) *Account Payee Demand Draft of a
Commercial Bank*
 - (iii) *Fixed Deposit Receipt (FDR) of a
Commercial Bank*
 - (iv) *Insurance Surety Bonds*
 - (v) *Bank Guarantee including e-Bank
Guarantee (for balance amount as
prescribed) from a Commercial
Bank.*
2. A part of earnest money is
acceptable in the form of Bank
Guarantee including e- Bank
Guarantee also. In such cases
50% of earnest money or Rs. 20
lakh whichever is less, will have to
be deposited in shape prescribed
above and balance can be
accepted in form of Bank
Guarantee issued by a
Commercial Bank.
3. *The FDR is pledged in favour of
the tender inviting authority. It is in
the tenderer's own interest to keep
the FDR valid as long as it is
required.*
4. If the banks are closed on the last
date of submission of tenders, the
date is postponed suitably.

**SOP No 5/1: Mode of Deposit Earnest
Money (Refer Para 5.1.3 (1))**

1. The Earnest Money is accepted
through Online Payment mode
and Bank Guarantee including e-
Bank Guarantee (for balance
amount as prescribed) from a
Commercial Bank.
2. A part of earnest money is
acceptable in the form of Bank
Guarantee including e-Bank
Guarantee also. In such cases 50%
of earnest money or Rs. 20 lakh
whichever is less, will have to be
deposited **through online payment
mode** and balance can be accepted
in form of Bank Guarantee
including e-Bank Guarantee
issued by a Commercial Bank.
3. Deleted
4. No change.

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5. The MSME firms registered in NSIC under PP policy are exempted from payment of EMD for supply of goods and services only.

6. For bid submission the contractor deposits the original EMD in the office of Engineer-in-Charge AE/DOH/ADH inviting bids or division office of any Engineer-in-Charge within the period of bid submission. *The EMD document is issued from the place in which the office of receiving division office is situated.*

The Bank Guarantee including e-Bank Guarantee submitted as a part of Earnest Money is valid for a period of 90 days for single bid works and 180 days for two bid system or more from the date of submission of the tender.

SOP No. 5/2: Refund of Earnest Money (Refer Para 5.1.4 (1))

1. The earnest money given by all the tenderers except the lowest tenderer is refunded immediately after the expiry of stipulated bid validity period or immediately after acceptance of the successful bidder, whichever is earlier. However, in case of two/ three bid system, earnest money deposit of bidders unsuccessful during technical bid evaluation etc. should be returned within 30 days of declaration of result of technical bid evaluation.

Entry of Demand Draft/ Banker's cheque received as earnest money with the tenders is kept in the Tender Opening Register, and these need not be deposited in the Bank except for the lowest tenderer, if required.

5. No change.

6. Original Bank Guarantee (for balance amount as prescribed) shall be deposited by the contractor in the office of Engineer-in-Charge inviting bids or division office of any Executive Engineer within the period of bid submission. The Bank Guarantee document is issued from the same State in which the office of receiving division office is situated.

No change.

SOP No. 5/2: Refund of Earnest Money (Refer Para 5.1.4 (1))

1. No Change.

Deleted

No Provision

2. The Engineer in Charge periodically reviews the Tender Opening Register with a view to ensure that the earnest money is refunded in time. It is the responsibility of Divisional Accountant to ensure that Earnest Money is refunded to unsuccessful tenderers in time specified above.
3. If the departmental officer desires that an item of earnest money deposit, instead of being refunded, be carried to the credit of the Government in the Consolidated Fund, he/she records the fact on the Deposit Receipt and in his/her initial records, and requests the Accounts Officer to effect necessary adjustment in Accounts.

2. EMD collected through Online mode, shall be refunded/ forfeited to the bidders through the e-tendering portal in the following manner:

- a. Bidder(s) shall initiate refund of Earnest Money Deposit through online mode for bid withdrawn by bidder before bid submission closing date and tender cancelled by tender inviting authority without its opening.
- b. Tender Inviting authority shall initiate refund/ forfeit of Earnest Money Deposit collected through online mode in the scenario(s) other than mentioned at S. No. 2 (a) above.

3. No change.

4. No Change.


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Annexure-21
(Refer SOP No. 4/8 & 4/9)
CPWD-6 FOR E-TENDERING

9. Earnest Money in the form of Insurance Surety Bonds, Account Payee Demand Draft, Fixed Deposit Receipt, Banker's Cheque or Bank Guarantee including e- Bank Guarantee (for balance amount as prescribed) from any of the Commercial Banks (drawn in favour of Executive Engineer) shall be scanned and uploaded on the e-Tendering website within the period of bid submission. The original EMD should be deposited either in the office of Executive Engineer inviting bids or division office of any Executive Engineer, CPWD within the period of bid submission. The EMD receiving Executive Engineer (including NIT issuing EE/AE) shall issue a receipt of deposition of earnest money deposit to the bidder in a prescribed format (enclosed) uploaded by tender inviting EE in the NIT.

A part of earnest money is acceptable in the form of bank guarantee also. In such case, minimum 50% of earnest money or Rs. 20 lac, whichever is less, shall have to be deposited in shape prescribed above, and balance may be deposited in shape of Bank Guarantee including e- Bank Guarantee of any Commercial bank having validity for a period of 90 days for single bid works and 180 days for two bid system or more from the last date of receipt of bids which is to be scanned and uploaded by the intending bidders.

Annexure-21
(Refer SOP No. 4/8 & 4/9)
CPWD-6 FOR E-TENDERING

9. Earnest Money will be paid online through CPWD e-Tendering platform within the period of bid submission.

A part of earnest money is acceptable in the form of bank guarantee also. In such case, minimum 50% of earnest money or Rs. 20 lac, whichever is less, shall have to be deposited through **online payment mode**, and balance may be deposited in shape of Bank Guarantee including e-Bank Guarantee any Commercial bank having validity for a period of 90 days for single bid works and 180 days for two bid system or more from the last date of receipt of bids which is to be scanned and uploaded by the intending bidders.


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The earnest money given by all the tenderers except the lowest tenderer shall be refunded immediately after the expiry of stipulated bid validity period or immediately after acceptance of the successful bidder, whichever is earlier. However, in case of two/ three bid system, earnest money deposit of bidders unsuccessful during technical bid evaluation etc. should be returned within 30 days of declaration of result of technical bid evaluation.	No change.
Copy of Enlistment Order and certificate of work experience and other documents as specified in the notice inviting e- tender shall be scanned and uploaded on the e-Tendering website within the period of bid submission. However, certified copy of all the scanned and uploaded documents as specified in e- tender notice shall have to be submitted by the lowest bidder within a week physically in the office of tender opening authority. Online bid documents submitted by intending bidders shall be opened only of those bidders,	No change
<i>whose original EMD deposited with any division of CPWD and other documents scanned and uploaded are found in order.</i> The bid submitted shall be opened at 03:30 PM on	Who has deposited EMD online through CPWD e-tendering portal and Bank Guarantee including e-Bank Guarantee (for balance amount as prescribed) from a Commercial Bank on CPWD e-tendering platform and other documents scanned and uploaded are found in order. No change. <i>10.11.2023</i>

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ANNEXURE-22
INFORMATION AND INSTRUCTIONS FOR BIDDERS
FOR E-TENDERING FORMING
PART OF BID DOCUMENT
(Applicable for inviting open bids)

4. But the bid can only be submitted after deposition of original EMD

..... either in the office of Executive Engineer inviting bids or division office of any Executive Engineer, CPWD within the period of bid submission and uploading the mandatory scanned documents such as Insurance Surety Bonds, Account Payee Demand draft or Banker's Cheque or Fixed Deposit Receipts or/ and Bank Guarantee including e-Bank Guarantee (for balance amount as prescribed) from any of the Commercial Bank towards EMD in favour of Executive Engineer as mentioned in NIT, receipt for deposition of original EMD to division office of any Executive Engineer (including NIT issuing EE/ AE), CPWD and other documents as specified.

List of Documents to be scanned and uploaded within the period of bid submission:

Insurance Surety Bond, Demand Draft/ Account Payee Banker's Cheque / FDR/ Bank Guarantee of any commercial Bank against EMD.

ANNEXURE-23
INFORMATION AND INSTRUCTIONS FOR BIDDERS
FOR e-TENDERING FORMING
(Applicable for inviting bids on 2/3 bid system)

5. But the bid can only be submitted

ANNEXURE-22
INFORMATION AND INSTRUCTIONS
FOR BIDDERS FOR E-TENDERING
FORMING PART OF BID DOCUMENT
(Applicable for inviting open bids)

4. But the bid can only be submitted after deposition of EMD **through Online Payment mode and original Bank Guarantee including e-Bank Guarantee (for balance amount as prescribed)**

..... either in the office of Executive Engineer inviting bids or division office of any Executive Engineer, CPWD within the period of bid submission and uploading the mandatory scanned documents and Bank Guarantee (for balance amount as prescribed) from any of the Commercial Bank towards EMD in favour of Executive Engineer as mentioned in NIT, receipt for deposition of **original Bank Guarantee** and other documents as specified.

List of Documents to be scanned and uploaded within the period of bid submission:

Scanned copy of original Bank Guarantee including e-Bank Guarantee of any commercial Bank against EMD.

ANNEXURE-23
INFORMATION AND INSTRUCTIONS
FOR BIDDERS FOR e-TENDERING
FORMING
(Applicable for inviting bids on 2/3 bid system)

5. But the bid can only be submitted after

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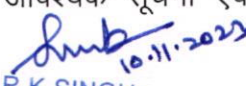
after deposition of original EMD either in the office of Executive Engineer inviting bids or division office of any Executive Engineer, CPWD within the period of bid submission and uploading the mandatory scanned documents such as Insurance Surety Bonds, Account Payee Demand draft or Banker's Cheque or Fixed Deposit Receipts or/ and Bank Guarantee including e-Bank Guarantee (for balance amount as prescribed) from any of the Commercial Bank towards EMD in favour of Executive Engineer as mentioned in NIT, receipt for deposition of original EMD to division office of any Executive Engineer (including NIT issuing EE/ AE), CPWD and other documents as specified.	deposition of EMD through Online Payment mode and original Bank Guarantee including e-Bank Guarantee (for balance amount as prescribed) either in the office of Executive Engineer inviting bids or division office of any Executive Engineer, CPWD within the period of bid submission and uploading the mandatory scanned documents and Bank Guarantee (for balance amount as prescribed) from any of the Commercial Bank towards EMD in favour of Executive Engineer as mentioned in NIT, receipt for deposition of original Bank Guarantee and other documents as specified.
List of Documents to be scanned and uploaded within the period of bid submission: Copy of receipt for deposition of original EMD to division office of any EE, CPWD.	List of Documents to be scanned and uploaded within the period of bid submission: Scanned copy of original Bank Guarantee including e-Bank Guarantee of any commercial Bank against EMD.

This is issued with the approval of DG CPWD.


(वी. पी. साहु)
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अधीक्षण अभियंता (सी.एंड एम.)

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केलोनवि तथा लोनवि दिल्ली के सभी अधिकारियों को आवश्यक सूचना एवं कार्यवाही हेतु (केलोनवि वेबसाईट के माध्यम से)।


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