

GOVERNMENT OF KERALA
Abstract

KERALA FORESTS CODE VOLUME I AND III - FOREST CONTRAATORS RECONSTRATION AS CONTRACTORS FOR WORKING DOWN TIMBER AND FIREWOOD FROM FORESTS TO DEPOTS AND REVISION OF RATES OF TENDER FORMS - AMENDMENTS TO PARA 10-9-3 (I) AND (II) OF KERALA FORESTS CODE - ORDERS ISSUED

AGRICULTUR (FOREST SPECIAL A) DEPARTMENT

G.O. MS. NO. 203/82/AD

Dated, Trivandrum 23th June 1982

- Read:-
1. Letter No.C4-25225/80 dated 2-2-1982 of the Chief Conservator of Forests, Trivandrum
 2. G.O.(Ms) No. 226/81/Forst dated 16-12-1981

ORDER

Government are pleased to make the following amendments to the Kerala Forests Code, Volume I and to insert a new appendix as Appendix XXIX in Volume III of Kerala Forests Code namely:--

CORRECTIONS SLIP No...

1.In the Kerala Forest Code. Volume I for paragraph 10-9-3 (i) the following shall the substituted namely,-

2.(I) a. Contractors who are willing to submit tenders for supply works in the Forest Department should register the selves with the Forest Department as per rules detailed in Appendix XXIX Kerala Forests Code, Volume III. Unless there are special reasons, tender for works should be invited only from registered contractors eligible to tender for the work concerned.

b.Tender forms will be issue to intending tenders at the rates fixed for sale of tender for as in Public Works Department. The rates of tender forms revised by the Public Works Department from time to time will become automatically applicable to the Forests Department also. Only much tender forms as are officially issued will be valid for submission of tenders.

3..The existing paragraph 10-9-3(ii) in the Kerala Forest Cod Volume I will be deleted.

4.In Kerala Code Volume III after Appendix XXVIII the following shall be inserted as Appendix XXIX

By order of the governor,

K .L. N. Rao
Special Secretary to Government

To

The Chief Conservator of Forests, Trivandrum
The Custodian and Conservator of Forests, Vested Forests, Kozhikode
The Accountant General, Trivanadurm
The Accountant General Trichur
Agriculture (Forest) Department

APPENDIX-- XXIX
(PARA 10-9-3(i) (a) VOLUME - I)
Rules for registrations contractors for working
down timber firewood from forest to Depots
(Supply Coupe Contracts)

1. (a) Only persons who have registered themselves as contractors under these rules are entitled to submit tenders for working down timber and firewood from forests to depots.

(b) Contractor 'A' and 'B' categories will be permitted to tender for works in all .. Contractors of 'C' Category will be permitted to tender for works in all Divisions of the Circle in which, the registration is made, provided it is done in one of divisions of the Circle.

Works: The term works means working down timber and firewood from forests to depots

2. For the purpose of registration the contractors will be classified in there separate categories on the basis of .. Resources, professional experience and past record as follows.

'A' Category: Those who are entitled to tender for works of and above 3 Lakhs rupees.

'B' Category: Those who are entitled to tender for works of and above 3 Lakh but below 3 Lakh rupees.

'C' Category: Those who are entitled to tender for works below 1 Lakh rupees

3. (a) Applications in Forms for 'A' and 'B' Categories will be to the conservator of Forests and for 'C' Category to the Divisional Forests Officer who will be the authorities to register such contractors.

(b) The application for registrations contractor should be supported by a solvency certificate issued by the Revenue Department for a Pank guarantee by a bank approved buy Government (scheduled bank) under the Bank Guarantee Scheme as follows:-

'A' Category: Rs.75,000 plus 10% of the amount by which the contract value exceeds Rs.3 laks

'B' Category: RS. 50,000

'C' Category Rs. 25,000

The applications deposit the original title deeds or documents in support of the solvency certificates with the registering authority during the period for which the registrations is in force

(c) Application for registrations contractors should be supported by relevant documents supporting past experience in forestry works and past records from a Forests Officers not below the rank of an Assistant Conservator of Forests

4. (a) The registering authority will then scrutinize the applications for registration. He will then satisfy himself as to the financial capacity of the applicant and also his ability to take up and carry our works in a particular category. He can, if so need, direct the contractor to produce before him satisfactory evidence towards this. If he is satisfied that the applicant can be registered as a contractor. The applicant will be intimated of the fact in Form II and asked to remit the registration fee at the following rates.

'A' Category: Rs. 200

'B' Category: RS. 150

'C' Category Rs. 100

The applicant will be registered as a contractor after remittance of this fee. The Conservators for Forests who are the registering a .. of A & B categories will intimate the fact of registration to all other conservator in the State and the Divisional Forest Officer who are the registering authorities for 'C' category will intimate the fact of registration to all other Divisions Forest Officers in the Circle. The registration fee so not . If for any reason, the contractor is not nor found fit for being registered he will be intimated so. But this must only be bare intimation of the fact he is not being included in the list of registered contractors.

(b) If any application for registration as a contractor is rejected, the registering authority should record in writing his reasons for denying registration. He should also intimate confidentially his reasons for denial of he application for registration to his next superior authority.

(c) An appeal against the decision under sub-rule in the case contractors in categories 'A' and 'B' will be lie before the Chief Conservator of Forests and that in respect of category 'C' will life before the concerned Conservator of Forests. The appeal shall be filled with in one month from he date of receipt of the order rejecting the application

5. After registration of a persons as contractor, a registration card will be issued to him under the seal and signature of the registering officer in Form III. This card should be referred to in all the tenders submitted buy him and be produced by the contractor if and when called for by any Officer of the Forest Department If the original registration card may, on request made by the contractor in writing, and after enquiring the bona fides and after obtaining an indemnity bond executed by the contractor, issue a duplicate registration card after levying a fine of Rs. 25 from the contractor.

6. (a) The registration issued is valid only for one financial year. Registration Cards are to be renewed every year. Applications for renewal are to be submitted before 1st January in every year in Form IV together with Bank guarantee Solvency Certificate Application may, however, be received upto 31st January after realizing a fine of Rs.5 on such late application.

(b) A non refundable fee of Rs 10 or such amount as prescribed from tome to tome by the Government is payable for renewal. Such renewal fee should be remitted after receiving intimation for the same in Form V. The registering authority can renew the registration or refuse to do so at his discretion following the procedure for registration as laid down in Para 4. He may refuse renewal for the following for the following reasons.

- (i) Not being satisfied of the financial stability of the applicant.
- (ii) Failure to execute satisfactorily a precious contract
- (iii) Poor quality of works executed
- (iv) Or any other reasons which, in the opinion of the registering authority makes the applicant unsuitable for such registration

(7) A contractor who fails to get his registration renewed for any year can apply a fresh next year for registration only as a new contractor.

- (8) The registering authority shall before 1st March, issue the renewal Card Form VI or in ..the fact of having refused the request for renewal.
- (9) A list of application for registration and renewal shall be maintained by each registering authority in Form VII. The reasons for refusal should be clearly specified in the register. The register will be a confidential record in the custody of the registering authority. But of will be open to inspection by his Superior Officers and by Audi.

Annexure
APPLICATION FOR REGISTRATION AS CONTRACTORS
OF ALL CATEGORIES
FORM--I

1. Name of applicant (in block letters):
2. Full Address:
3. Officer to whom application is made:
4. In the case of individuals, who are partners of Resisted Firms or in the case of firms of contractors, the following details should be furnished:
 - (i) Whether the firm is a private/public limited concern or undivided Hindu Family individual or a registered partnership firm (attested copies of deeds. Articles of Association be enclosed).
 - (ii) Names of partners with their liabilities.
 - (iii) Name of person holding power of attorney.
 - (iv) Place of business.
5. Category to which registration is sought:
6. Details financial capacity (enclose solvency certificate or Bank Guarantee)
7. Particulars of experience on works labour command, equipment and other facilities on hand and technical assistance available etc:
8. State whether he is a registered contractor in any other office in the Forest Department.
9. State whether the applicant was penalized in connection with any contract with Government, if so give details:
10. State whether any of his previous applications for registration in any of Officers in Kerala Forests Department has been rejected:
11. State whether the applicant or any of his partners or shareholders is/are dismissed Government Servant (s):
12. State whether the applicant has under his employment, a dismissed Government Servant:

I have read and understand the rules regarding the registration of contractors published in and amended from time to time

Date:

Signature of applicant

Conditions Governing the Registration

The rule for registration of contractors in the Kerala Forest Department appended and published in G.O. (MS) 1226:81/Forst dated 16-12-1981 shall form part of the conditions governing the registration.

2. Demotion Lower Class:- (a) The Registering Authority, may be order demote a contractor to a Lower class if he.

- (i) fails to executed a contract or executes it unsatisfactorily: or
- (ii) has no longer the adequate equipment, technical personnel or financial resources or
- (iii) violates any important conditions of contract; or
- (iv) is responsible for any other matter which would justify his demotion to a lower class taking into account the merits of the case

3. Suspension of business:- Suspension of business may be ordered for an indefinite period, when pending full enquiry into the allegations, the competent authority is of the view that it is not desirable at business with the contractor should continue. Such an order may be passed if the competent authority is prima facie of the view that the contractor is guilty of an omens involving normal/turpitude in relation to business dealings, which, if established, would result in his removal/blacklisting.

4. Removal from the approved list -- (a) . The Registering Authority may remove, the same of contractor from the approved list if the contractor.

- a. fails to execute a contract or execute it unsatisfactorily: or
- b. has no longer the adequate equipment, technical personnel or financial resources; or
- c. violates any important conditions of contract: or
- d. fails to furnish the required income tax-clearance certificate; or
- e. fails to abide by the conditions of registration or is found to have given false particulars at the time of registration; or
- f. is declared or is in the process of being declared bankrupt, insolvent, would up, dissolved or partitioned; or
- g. persistently violated the provisions of Labour Regulations and Rules:

5. Blacklisting.- A contractor may be black - listed for the following reasons:

(i) Where there is sufficient and strong justification for believing that the contractor or has employee has been quality of malpractices such as bribery, corruption, fraud including substitution of or interpolation in tenders, pilfering or unauthorized use or disposal of Government materials issued to specific works etc; or

(ii) Where the contractor contumaciously refused to pay Government dues without sufficient reasons and where the Registering Authority is satisfied that no reasonable dispute attracting reference to arbitration or Court of law exists for the contractors action; or

(iii) Where a contractor or his partner or his representative has been convicted by a Court of Law for offences involving normal turpitude in relation to business dealings; or

(iv) Where security considerations including suspected disloyalty to the State or warrant; or

(v) Where a contract or his partner or his agent is found to have abetted induced public servants to indulge in corrupt paradises

(vi) A show cause lattice should be issued before inflicting the punishment of blacklisting

6. Restoration:- The question of upgrading (demoted) contractor lifting the ban on business restoring the registration withdrawal of blacklisting, etc., may be considered at the appropriate time on the merits of each case by the authority who passed the original orders. Copied of orders revoking black sting orders shall also be furnished to the Government in the concerned Administrative Department.

Note: (i) This registration will be valid only for one financial year ending 31st March, 19

(2) The registration card is to be renewed every year.

(3) Renewal application is to be submitted before 1st January every year together with an up-to-date income tax Clearance Certificate and a fee of Rs. 10 (not refundable)

(4) While tendering for works the number of Registration Card shall invariably be refused to and produced when called for.

FORM -- II INTIMATION MEMO

office of the

Station.....

Date.....

With reference to application dated.....for registrations a contractor, Shri/Messrs..... is/are hereby informed that he/they can be registered as..... category contractor subject to the rules governing registration of contractors. He/they will remit a sum of Rs.....(accounting to category).....only to this office towards registration fee.

(Sd.)
Officer.

To

Shri/Members.....