भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

**No. 2013/CE-I/CT/O/33/SI** (FTS-89623) **New Delhi, Dated 11.10.2014**

**The General Managers,**
All Indian Railways.

**Sub** : Submission of documents related to constitution of Firm by the Partnership Firm / Society / Companies etc. in tendering process.

Submission of documents relating to constitution of Firm by Partnership Firm / Society / Company etc. in the works tendering process has been under consideration by Board and accordingly, it is proposed to modify Para 15 of tender Form (second sheet), i.e. Annex.-I to Part-I of General Conditions of Contract (GCC), as per details enclosed herein.

It has also been considered appropriate in Board to seek suggestions & practices being followed by the Zonal Railways in this regard.

You may, therefore, send your Railway's feedback on the above latest by 25th October 14. In case of no reply by 25.10.14, it would be construed that there are no further suggestions and the proposed processing on the subject in Railway Board is acceptable to your Railway.

***DA** : As above*

(आलोक कुमार) 11.10.14
कार्यकारी निदेशक/सिविल इंजीनियरिंग(जी) / रेलवे बोर्ड
[Phone : 030-44803 (Rly.); 011-23383379 (MTNL); 09910487302 (CUG Mobile)]
e-mail address : edceg@rb.railnet.gov.in

**Copy** to The Principal Chief Engineers and CAOs(Const), all Indian Railways for information, necessary action and timely reply.

Annexure

## Proposed Modification To Para-15 of Tender Form (Second Sheet) Annexure-I of Part-I *(Regulations for Tenders and Contracts)* of G.C.C.

| Para 15 (Existing) | Para 15 (Proposed) |
|---|---|
| **15. Partnership Deeds, Power of Attorney Etc. :** The tenderer shall clearly specify whether the tender is submitted on his own or on behalf of a partnership concern. If the tender is submitted on behalf of a partnership concern, he should submit the certified copy of partnership deed alongwith the tender and authorization to sign the tender documents on behalf of partnership firm. If these documents are not enclosed alongwith tender documents, the tender will be treated as having been submitted by individual signing the tender documents. The Railway will not be bound by any power of attorney granted by the tenderer or by changes in the composition of the firm made subsequent to the execution of the contract. It may, however, recognize such power of attorney and changes after obtaining proper legal advice, the cost of which will be chargeable to the contractor. | **15. Partnership Deeds, Power of Attorney etc. :**<br>(i) The tenderer shall clearly specify whether the tender is submitted on his own or on behalf of a Partnership Firm / Joint Venture (JV) / Society etc. The tenderer(s) who is/are constituents of Firm, Company, Association or Society shall enclose self-attested copies of the Constitution of their concern, Partnership Deed and Power of Attorney alongwith their tender. Tender Documents in such cases shall to be signed by such persons as may be legally competent to sign them on behalf of the Firm, Company, Association or Society, as the case may be.<br>(ii) The tenderer shall give full details of the Constitution of the Firm / JV / Company / Society etc. and shall also submit following documents (as applicable), in addition to documents mentioned above :<br>(a) **Sole Proprietorship Firm** : The tenderer shall submit the notarized copy of the affidavit.<br>(b) **Partnership Firm** : The tenderer shall submit self-attested copies of (i) registered / notarized Partnership Deed and (ii) Power of Attorney duly authorizing one or more of the partners of the firm or any other person(s), authorized by all the partners to act on behalf of the firm and to submit & sign the tender, sign the agreement, witness measurements, sign Measurement Books, receive payment, make correspondences, compromise / settle / relinquish any claim (s) preferred by the firm, sign 'No Claim Certificate', refer all or any dispute to arbitration and to take similar action in respect of all tenders / contracts OR said tender / contract.<br>(c) **Joint Venture (JV)** : The tenderer shall submit documents as mentioned in Clause 65 to GCC.<br>(d) **Company registered under Companies Act - 1956** : The tenderer shall submit (i) the copies of |

| | |
|---|---|
| | MOA (Memorandum of Association) and AOA (Articles of Association) of the Company; and (ii) Power of Attorney duly registered / notarized by the company (backed by the resolution of Board of Directors) in favour of the individual, signing the tender on behalf of the Company.<br><br>(e) **Society** : The tenderer shall submit (i) self-attested copy of the Certificate of Registration, (ii) Deed of Formation and (iii) Power of Attorney in favour of the tender signatory.<br><br>(iii) If it is mentioned in the tender that it is being submitted on behalf of / by a Sole Proprietorship Firm / Partnership Firm / Joint Venture / Registered Company etc. but above-mentioned document/s (as applicable) are not enclosed alongwith tender, the tender shall be summarily rejected.<br><br>If it is NOT mentioned in the tender that it is being submitted on behalf of / by a Sole Proprietorship Firm / Partnership Firm / Joint Venture / Registered Company etc., then the tender shall be treated as having been submitted by the individual who has signed the tender.<br><br>After opening of the tender, any document pertaining to the Constitution of the Firm / JV / Society etc. shall neither be asked nor be entertained / considered.<br><br>(iv) A tender from JV / Consortium / Partnership Firm etc. shall be considered only where permissible as per the tender conditions.<br><br>(v) The Railway will not be bound by any power of attorney granted by the tenderer or by changes in the composition of the firm made subsequent to the submission of tender. It may, however, recognize such power of attorney and changes after obtaining proper legal advice, the cost of which will be chargeable to the contractor. |