

केन्द्रीय लोक निर्माण विभाग

कार्यालय ज्ञापन

No. DG/Enlist. Rules -2022/ 05

ISSUED BY THE AUTHORITY OF DIRECTOR GENERAL, CPWD

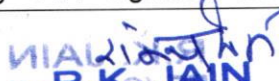
Nirman Bhawan, New Delhi

Dated: 05.06.2023

Sub: Additions/ Modifications/New provisions for enlistment under rules 6.1.7, 9.1, 9.2, 9.3, 9.4, 9.6, 9.8, 12.0 and 13.6 in ER-2022.

Following **additions/ modifications/new provisions** are made in the Enlistment Rules 2022.

Existing Provision	Modification Provision
6.1.7 For retired Central Government/State Government/ Central or State PSU engineers or architects seeking enlistment for the first time as individual, after one year of their retirement or voluntary retirement from service, enlistment can be considered in any class in Buildings & Roads category without work experience but with prescribed financial soundness, subject to his holding a valid PPO in case of government servant and equivalent document in case of PSU employee. Such individuals applying for enlistment should neither be empanelled nor working as arbitrator or consultant in any Central/State Government Department or Public Sector Undertaking or Central/State Government Institution or Autonomous body. Based on initial scrutiny of required documents, provisional enlistment order valid for six months shall be issued with the approval of enlistment authority within 15 days of online application. Such provisional enlistment order shall be issued without referring the matter to Advisory committee. In case any misinformation is found in the documents submitted by applicant, during subsequent verification/scrutiny, the provisional enlistment shall be cancelled and the applicant shall be debarred for 2 years after issue of show cause notice. The enlistment authority may also initiate criminal case in case of any forgery by lodging FIR against the applicant	6.1.7 For retired Central Government /State Government/Central or State PSU engineers or architects seeking enlistment for the first time as individual, after one year of their retirement or voluntary retirement from service, enlistment can be considered in any class in Buildings & Roads category without work experience but with prescribed financial soundness, subject to his holding a valid PPO in case of government servant and equivalent document in case of PSU employee. Such individuals applying for enlistment should neither be empanelled nor working as arbitrator or consultant in any Central/State Government Department or Public Sector Undertaking or Central/State Government Institution or Autonomous body. Based on initial scrutiny of required documents, provisional enlistment order valid for six months shall be issued with the approval of enlistment authority within 15 days of online application. Such provisional enlistment order shall be issued without referring the matter to Advisory committee. In case any misinformation is found in the documents submitted by applicant, during subsequent verification/ scrutiny, the provisional


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through Member Secretary.

enlistment shall be cancelled and the applicant shall be debarred for 2 years after issue of show cause notice. The enlistment authority may also initiate criminal case in case of any forgery by lodging FIR against the applicant through Member Secretary.

The bidding capacity of the newly enlisted entity under this category cannot be worked out independently as no work is executed by the newly enlisted entity.

In such cases the bidding capacity of newly enlisted entity shall be worked out for three years from the date of issue of enlistment order as follows:-

Bidding Capacity = {[AxNx1.5]-B}

Where

A = Banker certificate figure as submitted by applicant (i.e. government retired engineer/ architect) at the time of enlistment for first year of enlistment and subsequent fresh bankers certificate for second and third year respectively. Value of A for first year will be mentioned in the enlistment order by the member secretary.

N = Number of years prescribed for completion of work for which bids have been invited.

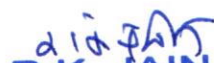
B = Value of existing commitments and ongoing works to be completed during the period of completion of work for which bids have been invited. This value is for newly enlisted entity.

Within three years of the date of


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	enlistment order, the newly enlisted entity has to develop its own bidding capacity and thereafter the general bidding capacity formula being used for other entities shall be applicable to it for calculation of bidding capacity. Newly enlisted entity may like to follow general bidding capacity formula even before period of three years if it so chooses.
9.0 Change of name, address, constitution, and status of enlisted entities 9.1 The contractors enlisted under Rule 6.1.6 to Rule 6.1.9 cannot change their name, constitution, and status for the period of first enlistment. They can, however, change their address as per Rule 9.3 below for which they may apply in Annexure VI.	9.0 Change of name, address, constitution, and status of enlisted entities 9.1 The contractors enlisted under Rules 6.1.6, 6.1.7, 6.1.8 6.1.9, 9.6.2 and 9.6.3 cannot change their name, constitution, and status for the period of five years from the date of issue of first enlistment order. They can, however, change their address as per Rule 9.3 below for which they may apply in Annexure VI.
9.2 The change in the name of an enlisted entity is permissible with the prior approval of the enlisting authority. After obtaining such prior approval, the contractor shall proceed to get the name of the entity changed from all other authorities concerned. He shall then intimate the changed name of the entity to the enlisting authority not later than one month of such change along with acknowledgement of noting down of such change in name from the Bank, Income Tax, GST authorities, etc. Failure to do so may result in cancellation of the enlistment. The application for change in the name shall be made in Annexure VI.	9.2 The change in the name of an enlisted entity is permissible with the prior approval of the enlisting authority. After obtaining such prior approval, the contractor shall proceed to get the name of the entity changed from all other authorities concerned. He shall then intimate the changed name of the entity to the enlisting authority not later than five months of prior approval along with acknowledgement of noting down of such change in name from the Bank, Income Tax, GST authorities, etc. Failure to do so may result in debarment for a period of minimum six months from tendering in CPWD. The application for change in the name shall be made in Annexure VI
9.3 The change in the addresses of an entity is permissible. The contractor shall intimate the change in the addresses of registered office or	9.3 The change in the addresses of an entity is permissible. The contractor shall intimate the change in the addresses of registered office or

head office not later than one month of such change along with acknowledgement of noting down of such change in address from the Bank, Income Tax, GST authorities, etc. Failure to do so may result in cancellation of the enlistment.	head office not later than one month of such change along with acknowledgement of noting down of such change in address from the Bank, Income Tax, GST authorities, etc. Failure to do so may result in debarment for a period of minimum six months from tendering in CPWD.
9.4. Change in constitution of a partnership firm or company 9.4.1 The enlisted partnership firm or LLP firm shall not modify the existing partnership or enter into partnership with new partners without the prior approval of the enlisting authority. If new partners are taken in an enlisted partnership firm, each new partner shall have to satisfy the eligibility conditions mentioned in Rule 6.1 of these Enlistment Rules. Application for such prior approval shall include full details of the intended modifications along with draft partnership deed. After obtaining prior approval of enlisting authority, the change in constitution of the firm shall be intimated to the member secretary within one month of the registration with the Registrar of Firms, failing which the firm is liable to be debarred for a period of minimum six months from tendering in CPWD. Based on prior approval and documents received as mentioned in annexure-VI, Part-B (b), member secretary of the Advisory Committee shall issue final order of note of change in constitution.	9.4 Change in constitution of a partnership firm or company 9.4.1 The enlisted partnership firm or LLP firm shall not modify the existing partnership or enter into partnership with new partners without the prior approval of the enlisting authority. If new partners are taken in an enlisted partnership firm, each new partner shall have to satisfy the eligibility conditions mentioned in Rule 6.1 of these Enlistment Rules. Application for such prior approval shall include full details of the intended modifications along with draft partnership deed. After obtaining prior approval of enlisting authority, the change in constitution of the firm shall be intimated to the member secretary within one month of the registration with the Registrar of Firms, failing which the firm is liable to be debarred for a period of minimum six months from tendering in CPWD. Based on prior approval and documents received as mentioned in annexure-VI, Part-B (b), member secretary of the Advisory Committee shall issue final order for change in constitution.


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9.4.2 The enlisted company shall not modify the existing directors or appoint new directors without prior approval of the enlisting authority. If new directors are taken in an enlisted company, each new director shall have to satisfy the eligibility conditions mentioned in Rule 6.1 of these Enlistment Rules. Application for such prior approval shall include full details of the intended modifications along with draft memorandum of articles. After obtaining prior approval of enlisting authority, the change in constitution of the company shall be intimated to the member secretary within one month of record of such changed constitution on the website of the Ministry of Corporate Affairs, failing which the firm is liable to be debarred for a period of minimum six months from tendering in CPWD. Based on prior approval and documents received as mentioned in annexure-VI, Part-B (b), member secretary of the Advisory Committee shall issue final order of note of change in constitution.	9.4.2 The enlisted company shall not modify the existing directors or appoint new directors without prior approval of the enlisting authority. If new directors are taken in an enlisted company, each new director shall have to satisfy the eligibility conditions mentioned in Rule 6.1 of these Enlistment Rules. Application for such prior approval shall include full details of the intended modifications along with copy of proposed partnership deed/proposed memorandum of Association and article of association and other document mentioned in Annexure-VI Part B(a). After obtaining prior approval of enlisting authority, the change in constitution of the company and change in documents as mentioned in Annexure-VI Part B (b) shall be intimated to the member secretary within five months of prior approval, failing which the firm is liable to be debarred for a period of minimum six months from tendering in CPWD. Based on prior approval and documents received as mentioned in annexure-VI, Part-B (b), member secretary of the Advisory Committee shall issue final order for change in constitution.
9.4.4 No provision	9.4.4 Applicant applying for change of name, address, constitution and status of enlisted entities, will be provided one opportunity to clarify and to attend shortcomings, which shall be intimated through CEMS portal only.


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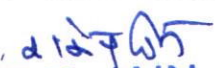
	In the event no response or incomplete documents within 15 days of issue of letter by Member Secretary, seeking any clarification and / or documents, Member Secretary of Advisory Committee shall reject the application and close the case without referring to enlisting authority/advisory committee.
9.6 Merger and disassociation of enlisted entities 9.6.4 The work experience and financial experience gained only during the term of the originally enlisted entity before its merger / disassociation can be carried forward by its individuals / sole-proprietors/ partners/ directors, and that too only once.	9.6 Merger and disassociation of enlisted entities 9.6.4 The work experience and financial experience gained only during the term of the originally enlisted entity before its merger / disassociation can be carried forward by its individuals / sole-proprietors/ partners/ directors, and that too only once for enlistment purpose. The bidding capacity of the newly enlisted entity, enlisted after merger/disassociation of enlisted entities cannot be worked out independently as no work is executed by the newly enlisted entity. Annual turnover of newly enlisted entity shall be in proportion to the shareholding of partners/directors in the original enlisted entity at the time of enlistment of the newly enlisted entity. Within three years from the date of issue of enlistment order, the newly enlisted entity has to develop its own bidding capacity and thereafter the general bidding capacity formula being used for other entities shall be applicable to it for calculation of bidding capacity. Newly enlisted entity may like to follow general bidding capacity formula even before period of three years if it so chooses. Bidding Capacity for newly enlisted

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	entity based on rules 9.6.3 & 9.6.4 shall be as follows: $BC = \{[A' \times N \times 1.5] - B\}$ Where A' = Proportionate share of newly enlisted director/partner in originally enlisted company/firm multiplied by the factor A as given below. Value of A' will be mentioned in the enlistment order by the member secretary, it will remain same for three years. A = Maximum turnover in construction works executed in any one year during the last seven years taking into account the completed as well as works in progress. The value of completed works shall be brought to current costing level by enhancing at a simple rate of 7% per annum. This value is of originally enlisted entity at the time of enlistment of newly enlisted entity. N = Number of years prescribed for completion of work for which bids have been invited. B = Value of existing commitments and ongoing works to be completed during the period of completion of work for which bids have been invited. This value is for newly enlisted entity.
9.8 No provision	9.8 The enlistment of enlisted partnership firm or LLP firm shall deem to be cancelled in case of dissolution/termination of partnership deed from the date of dissolution/termination of partnership deed. The existing partners of firm of LLP firm shall inform to the respective member secretary of enlisting authority within one month of dissolution/termination

	of partnership deed. The work experience (100%) and financial experience (in proportion to share in partnership firm) gained by the originally enlisted entity before its dissolution/ termination of partnership deed can be carried forward by its individual partners within one year of dissolution/ termination.
12.0 Enlisted contractor's obligations The contractor shall fulfil all his obligations under these Rules in the prescribed manner, failing which he shall be liable for disciplinary action as mentioned therein. Some of the obligations are summarized below. - An enlisted entity shall not change its status without the prior approval of the enlisting authority. - The enlisted partnership firm shall not modify the existing partnership or enter into fresh partnership without the prior approval of the enlisting authority. - An enlisted entity shall not change its name without the prior approval of the enlisting authority. - Intimation of change of address should be given within one month of such change along with acknowledgement of noting down such change from Bank, Income Tax, GST authorities, etc. - If the contractor does not possess electrical license in his own name, he shall associate an agency having valid electrical license of appropriate voltage in its name issued by the State Government under Section 45 of the Indian Electricity Rules, 1956 as amended from time to time, wherever required for execution of electrical works. - He is expected to bid for and secure works of appropriate magnitude during the enlistment period.	12.0 Enlisted contractor's obligations The contractor shall fulfil all his obligations under these Rules in the prescribed manner. Some of the obligations are summarized below. - Deleted. - Deleted. - Deleted. - Deleted - Deleted. - No change.


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g. He shall abide by the Enlistment Rules and amendments issued by the competent authority. h. He shall not indulge in unethical practices and maintain good conduct. i. He shall execute the works awarded to him with due diligence and strictly as per the conditions of the contract and specifications. j. He shall submit the performance report of each work executed by him in the approved form at duly filled with all the required details to the respective Executive Engineer within 3 months of completion of the work. k. He shall have obligation to rectify construction or structural defects observed after completion of work for a period of minimum 5 years from the date of completion of the work.	g. He shall abide by the Enlistment Rules and amendments issued time to time by the competent authority. h. No change. i. No change. j. Deleted. k. Deleted.
13.6 Grounds for Debarment of contractor The contractor may be debarred if any of the following is established by enquiry: a. Fails to execute a contract or executes it unsatisfactorily; or b. Violates any conditions of the contract; or c. Fails to abide by the conditions of enlistment; or d. Is found to have given false particulars at the time of enlistment; or e. Has indulged in any type of forgery or falsification of records; or	13.6 Grounds for Debarment of contractor The contractor may be debarred if any of the following is established: a. Fails to execute a contract or executes it unsatisfactorily. If the progress of any work is unsatisfactory for more than six months, then contractor can be debarred from tendering in CPWD for future tenders for minimum three months. If more works are delayed by contractor then debarment period can be maximum upto two years; or b. No change c. No change d. No change e. No change

f. Changes constitution of the firm without the prior approval of the enlisting authority; or g. Changes the name of the entity without the prior approval of the enlisting authority; or h. Changes permanent address/ business address without intimation to the enlisting authority; or i. Is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or j. Violates the labour regulations and rules; or k. Is involved in complaints of serious nature received from any source, which have been proved; or l. Defaults in settlement of tax dues like income tax, GST, etc.; or m. Ceases to fulfill eligibility criteria based on which enlistment was done; or n. Is considered as not required to be in list of CPWD contractors for any other reason considered fit by the enlisting authority; or o. Does not start the work after the same is awarded to him on two occasions; or p. Fails to rectify construction/structural defects within a reasonable time not exceeding 2 months, pointed out to him by the engineer-in-charge during the period of 5 years from the date of completion of works; or q. Converts his individual enlistment into any other status before a period of three years from the date of enlistment, where the enlistment was done on the basis of him being an unemployed or retired engineer or architect or horticulturist; or	f. Changes constitution of the entity or status without the prior approval of the enlisting authority; or g. No change h. Intimation of change of address should be given within one month of such change along with acknowledgement of noting down such change from Bank, Income Tax, GST authorities, etc i. No change j. No change k. No change l. No change m. No change n. No change o. No change p. Fails to rectify construction/structural defects within a reasonable time not exceeding 2 months, pointed out to him by the engineer-in-charge during the period as mentioned in contract.; or q. Converts his individual enlistment into any other status before a period of five years from the date of enlistment, where the enlistment was done on the basis of rules 6.1.6, 6.1.7, 6.1.8 6.1.9, 9.6.2 and 9.6.3 ; or
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r. Breach of code of integrity as per Rule 175 of GFR-2017; or s. Supply of sub-standard material, non-supply of material, abandonment of works, substandard quality of works; or t. Misbehaviors, direct or indirect involvement in threatening, making false complaints, filing legal suites for frivolous reasons, or any behavioural act, omission or commission damaging the reputation of department/officer	r. No change s. No change t. No Change
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This issues with the approval of DG CPWD.


05.06.2023
(वी. पी. साहू)

अधीक्षण अभियंता (सी.एंड एम.)

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All CPWD and PWD officers for information and necessary action. (Through CPWD website).


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