



**GOVT OF INDIA, MINISTRY OF DEFENCE,
DEFENCE RESEARCH & DEVELOPMENT ORGANISATION,
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ADDENDUM

ADDENDUM TO GUIDELINES FOR REGISTRATION OF AGENCIES FOR SPECIFIC PROJECT OF DRDO COSTING 200-4000 CRORE FOR COMPOSITE CIVIL WORKS

Attention of all the applicants is invited to the guidelines for registration of agencies for specific project of DRDO costing 200-4000 crore for composite civil works as given in the advertisement davn 10301/11/0039/1819. Clause 2.5 including all sub-clauses shall be included in the guidelines.

The clause 2.5 along with all sub-clauses is available on our web site www.drdo.gov.in at What's New section and can be downloaded from 10 AM of 16 May 2018.

Note:- Last date of submission of form has now been extended till 5 PM on 01st July 2018.

Chief Construction Engineer (Works)
DCWE, A Wing, DRDO HQs,
New Delhi -110011
for Chairman DRDO

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Attention of all the applicants is invited to the guidelines for registration of agencies for specific project of DRDO costing 200-4000 crore for composite civil works as given in the advertisement davp 10301/11/0039/1819, the following clause 2.5 including all sub-clauses shall be included in the guidelines.

- 2.51 Separate identity/name shall be given to the Joint Venture Firm. The JV should be registered with the Registrar of Companies (ROC), India.
- 2.52 Number of members in a JV Firm **shall not be more than two**. A **Consultant/Design Firm** can be added as a **third** JV partner with maximum share holding in JV not **exceeding 5%**.
- 2.53 One of the members of the JV Firm shall be its Lead Member who shall have a **majority** (at least **51% share** of interest in the JV firm. The second member shall have a share of **not less than 30%**.
- 2.54 A member of JV Firm shall be permitted to participate **either in individual capacity or as a member of another JV firm in the same tender**. However, separate **registration** may be allowed.
- 2.55 No member of Joint venture shall be member of another Joint venture for bidding the same work. All such bids in that particular work shall be disqualified.
- 2.56 The bidder should be net profit making (after deducting tax, depreciation and interest) during the last five years and certificate to this effect should be authenticated by the Statutory Auditor.
- 2.57 Bidders who have applied for/availed Corporate Debt restructuring (CDR)/ Strategic Debt restructuring (SDR) during last 5 years to till date are not eligible to participate in the bid.
- 2.58 The bidder or any member of JV should not be **BLACK LISTED** as on date of submission of bid. Bidders should furnish an undertaking on affidavit that they are not **BLACK LISTED** in any departments as on date of submission of bid.
- 2.59 In case of Joint Venture works, the experience of the bidder shall be taken into account as executed by the member of the JV as certified by the employer in determining the bidder's compliance with the qualification criteria.
- 2.5.10 Lead Partner of Joint Venture shall be registered with Railways, CPWD, MES or any other govt. departments.
- 2.5.11 A copy of Memorandum of Understanding (**MOU**) executed by the JV members as registered with **Registrar of Companies (ROC)**, India shall be submitted by the JV Firm for registration. The complete details of the members of the JV Firm, their share and responsibility in the JV Firm etc. particularly with reference to financial, technical and other obligations shall be furnished in the MOU.
- 2.5.12 The constitution of the JV Firm shall not be allowed to be modified by the JV Firm except when modification becomes inevitable due to succession laws .
- 2.5.13 This joint Venture Agreement shall have following clauses:-
 - (a) **Joint and Seveal Liability**: Members of the JV Firm to which the contract is awarded, shall be jointly and severally liable to DCW&E, DRDO for execution of the project in accordance with General Conditions of the Contract. The JV members shall also be liable jointly and severally for the loss, damages caused

to DCW&E, DRDO during the course of execution of the contract or due to non-execution of the contract or part thereof.

- (b) **Duration of the joint Venture Agreement:** It shall be valid during the entire currency of the contract including the period of extension if any and the maintenance period after the work is completed.
- (c) **Governing Laws:** The Joint Venture Agreement shall in all respect be governed by and interpreted in accordance with **Indian Laws**.

2.5.14 **Authorized Member:** Joint venture members shall authorize one of the members on behalf of the Joint Venture Firm to deal with the tender, sign the agreement or enter into contract in respect of the said tender, to receive payment, to witness joint measurement of work done, to sign measurement books and similar such action in respect of the said tender/contract. All notices/correspondences with respect to the contract would be sent only to this authorized member of the JV Firm.

2.5.15 No member of the Joint Venture Firm shall have the right to assign or transfer the interest right or liability in the contract without the written consent of the other members and that of DCW&E, DRDO in respect of the said tender/contract.

2.5.16 **Documents to be enclosed by the JV Firm along with the application.**

- a) Registration document of JV Firm as registered with ROC, India
- b) JV agreement as registered with ROC, India
- c) Article of Association(AOA)
- d) Account details of the new Company
- e) Copy of EPF & ESI Registration
- f) Copy of GST Registration
- g) Attested photocopy of Pan Card of new company
- h) The average annual turnover on construction work of the JV Partners in the last five years duly certified by the Chartered Accountant, as submitted by the applicant to the Income tax department as mentioned in Annexure-I
- j) Details of Work completed as given in Annexure-II
- k) Banker's certificate of all JV Partners proportionate to their share, as mentioned in **Table-1**

2.5.17 **Credentials & Qualifying criteria:**

Technical and financial eligibility of the JV Firm shall be adjudged based on satisfactory fulfillment of the following criteria:-

PQ Criteria as given in Table 1 is applicable for JVs. All the members shall meet all the Technical & Financial Criteria as per their share in JV.

Note :-

- (a) Value of a completed work done by a Member in an earlier JV Firm shall be reckoned only to the extent of the concerned member's share in that JV Firm for the purpose of satisfying his/her compliance to the above mentioned technical eligibility criteria for registration.
- (b) Contractual payment received by a Member in an earlier JV Firm shall be reckoned only to the extent of the concerned member's share in that JV Firm for the purpose of satisfying his/her compliance of the above mentioned financial eligibility criteria in the tender under consideration.
- (c) It may be noted that wherever, the certificate from the Chartered Accountant is mentioned, it is elaborated that the Chartered Accountant should be the same who normally audits the accounts of the company.