



To,

Date: 06-10-2020

The Principal Secretary U D-1,

Govt. of Maharashtra,

Secretariat Mumbai-32,

022-22824111,

Email – sec.vd2@maharashtra.gov.in

Subject :- Allotment of contract & Payment of work done for the allotted work by violating Tender conditions both by the contractor & concerned Authority. for **Construction of Cement concrete road, phase II package No.17 & 18.** In the year 2016-17.

Honorable sir,

With concern to above kindly refer the following mentioned information regarding unfair allotment of work and thereby giving payments for the said subject work by violation of tender norms & rules.

Sr. No	Particulars of tenders	Particulars of Violation	Particulars of Reply Sought for Violation	Remarks
1	Tender book page No.13 clause 11 Eligibility Criteria refer Sr. No.2, page No.19 – It is mentioned that the tender shall have to be Purchased in the name of joint venture only & For the submission of bid notarized JV agreement (on stamp paper worth Rs.500/-) is permitted & the JV firm shall have to be registered with the Registrar of companies in the state of Maharashtra within 7(seven) days from the LOA as a firm and shall have to be subsequently registered with NMC as	As per the tender condition the tenderer M/s. D.C Gurbaxani should submit the tender in the name of JV thereby purchasing the same in JV name as M/s. Aswini infrastructures JV M/s. D.C. Gurbaxani. But the contractor M/s. D.C. Gurbaxani not followed the tender norm & had submitted the	The Reasons for not mentioning the name of joint venture partner name shall be replied by the authority concerned.	As the tenderer had not followed the tender norms why the authority concerned had not rejected the tender of the bidder For violating tender norm.

Sr. No. *17/18* / CAFO

Dt. 06.10.2020

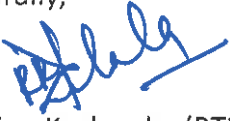
	<p>Contractor in the name of JV firm before entering in to the agreement with NMC. If he fails to do so, then initial security deposit will be forfeited. Also if one of the partners of JV participates in same bid of any work in its individual name separately, then both the bids i.e. JV bid and individual bid, submitted by them will be summarily rejected.</p>	<p>tender with JV got qualified for work & issued the work order thereby making hands with concerned authority in name of M/s. D.C. Gurbaxani JV without mentioning JV partner name. thus the authority violated this by issuing phase II work order No.6/ C C RD/2016 dt. 28-07-2016 contract amount 11,19,48,662/- For package No.17 & package No.18 work order No.5/ C.C RD/2016 dt.28-07-2016 contract amount 9,74,66,913/- only in name & style of M/s. D.C. Gurbaxani JV.</p>		
2	<p>Tender book page No.12 Sr. No.10 Joint Venture it is mentioned Joint Venture (JV) participation is permitted provided number of partners in the joint venture shall not exceed two and minimum participation of one of the partners shall not be less than 30% and other partner (Lead partner) shall not be less than 60% in Technical and Financial</p>	<p>The bidder M/s. D.C Gurbaxani had uploaded document at page No.124 & 125 for package No.17 & 18 regarding % share of each partner and also mentioned the banks names. But tenderer M/s. D.C. Gurbaxani had violated the</p>	<p>Concerned authority responsible for scrutiny of JV % shares document should have to check the said document Hence why the authority responsible for scrutinizing tender document and making payment only in name of</p>	<p>As the said document is not scrutinized the point regarding this , Hence action on failures to scrutinized the document & favour the said bidder should be taken on concerned officer by the</p>

	eligibility criteria.	tender norms while issuing payments from the department.	M/s. D.C. Gurbaxani is considered responsible for the irregularity as per tender.	Department.
3	Tender book para 10 joint venture in page No.12 – It is clearly mentioned payment under contract shall be made in the name of Joint Venture only.	The Bidder M/s. D.C Gurbaxani had received payment in his own firm in Axis Bank Limited Shankar Nagar Branch Nagpur. having account no.917030026170608 IFSC code. UTIB0001828. and not in name of lead member of JV thus violated the tender norm.	As the authority had made payment of work done only in name of M/s. D.C Gurbaxani & not in name of lead member of JV. The authority had violated tender norms hence responsible for reply to this irregularity.	As the said irregularity was done for payment of work, the authority responsible for the irregularity is liable for violating tender norms. & hence action on authority concerned to make payment shall be done by suspending the authority.
4	Tender book page No.31 clause 18 corrupt of, The NMC requires that Bidders / Contractor or his supplier under contracts, observe the highest standard of ethics during the procurement and execution of such contracts in pursuance of this policy as NMC Defines for the purposes of this provision. The terms set further as follows: i. "Corrupt practice " means the offering, giving, receiving or soliciting of anything of value to influence the	As the bidder M/s. D.C Gurbaxani had violated tender clause for JV work norms & payments action as per tender book page No.31 clause 18 should be taken against the bidder M/s. D.C Gurbaxani and authority concerned.	As the authority had made payment of work done only in single name of M/s. D.C. Gurbaxani & not including JV partner name & the same is only transferred in single name Account of M/s. D.C. Gurbaxani bearing Axis Bank Limited Shankar Nagar Branch Nagpur. having account no.917030026170608	As the contractor had violated the tender norms. The Payment due to this agreement should be stopped immediately & action of blacklisting should be taken immediately & authority concerned shall be suspended for the corrupt practices.

<p>action of a public official in the procurement process or in contract execution; and</p> <p>ii. "Fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the employer, and includes collusive practice among Bidders (prior to or after Bid submission) designed to establish Bid Prices at artificial non-competitive levels and to deprive the employer of the benefits to free and open competition.</p> <p>iii. will reject a proposal for award if it determines that the Bidder recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.</p> <p>iv. Will declare a firm ineligible, either indefinitely or for a stated period of time, to be awarded a contract if it any time determines that the firm has engaged in corrupt or fraudulent practice in competing for, or in executing, a contract.</p>		<p>IFSC code. UTIB0001828. the authority concerned to make the payment violated the tender norms & hence responsible authority should give reply for this irregularity</p>	
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Notes :- The contractor M/s. D.C Gurbaxani had violated tender norms & adopted corrupt practice for getting allotment of work under package 17 & 18 mentioned above with hands of concerned authority and for getting further benefit of qualification for upcoming cement concrete roads tenders, the department had favored the bidder there by allotted the further work tender to M/s. D.C Gurbaxani on single bid. Hence both M/s. D.C Gurbaxani for getting allotment of work package No. 17 & 18 of cement concrete road is liable for action under relevant law of constitution of India. And also the authority concerned is liable for action under relevant law of constitution of India.

Your's faithfully,



Rajeev Ranjan Kushwaha (RTI applicant)
Special Correspondent. 9850503020

Enclosure:-1. Relevant Tender document Xerox copy, Tender book Page No.12 to 32.

Copy to:-

1. To, Honorable Dist. Collector, Nagpur.
2. To, Honorable Commissioner, NMC, Nagpur.
3. To, Honorable Mayor, Nagpur City, Nagpur.
4. To, Honorable chairman, Standing Committee, NMC, Nagpur.
5. To, Honorable Chief Engineer, NMC, Nagpur.
6. To, Honorable CAFO, NMC, Nagpur.
7. To, Honorable Superintendent Engineer, NMC, Nagpur.

6/11/20
आवक लिपिक
रा. प्र. वि.
न. न. नागपुर.

6.10.20
महापौर कार्यालय
न. न. नागपुर.

6/11/20
आवक / आवक लिपिक
नगरपालिका
न. न. नागपुर.

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6/11/2020
न. न. नागपुर.

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न. न. नागपुर.

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