

PUNJAB STATE AGRICULTURAL MARKETING BOARD

(Enlistment of Contractor Firms for providing Man Power for Market committees)

1. **Title:** These instructions shall be called "*Instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, (Marketing Branch) 2022*" and shall be applicable from 1.3.2022.

2. **Definitions:** For the purpose of these *Instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, Marketing Branch, 2022* (as amended from time to time unless the context otherwise requires):
 - (a) The **Government Entity** shall mean: -
 - (i) any department of the Government of India or Government of Punjab or its attached or subordinate office; or
 - (ii) any public sector enterprise owned or controlled by the Government of India or Government of Punjab; or
 - (iii) any entity established or constituted by the Constitution of India or an Act of Parliament or Act of the State Legislature, whose expenditure is met from the Consolidated Fund; or
 - (iv) any entity or board or corporation or authority or society or trust or commission or autonomous body (by whatever name called) established or constituted by a Government of India or Government of Punjab; or
 - (v) any entity that receives grant or financial aid out of the Consolidated Fund or retains any levy/user charges/fees etc. collected from the public after being authorized to do so by the Government of India or Government of Punjab and is owned or controlled or managed by the Government of India or Government of Punjab; or
 - (vi) any other entity that receives substantial financial assistance from the Government of India or Government of Punjab.

 - (b) The **"Firm"** shall mean any Indian individual/proprietorship firm/other association of Indian individuals/HUF/Partnership Firm registered by Registrar of Firms and Societies under the Indian Partnership Act-1932/Limited Liability Partnership Firm (registered under The Limited Liability Partnership Act, 2008)/Public Limited Company or a Private Limited Company (registered under the Indian Companies Act)/Society registered under The Punjab Co-operative Societies Act, 1961.

 - (c) The **"Manager"** shall mean director(s)/ partner(s)/ proprietor(s)/ associate(s)/ member(s) of managing committee/promoter(s) of the Firm (as the case may be).

 - (d) The **"Enlisted Firm"** shall mean the Firm issued with an Enlistment Certificate under the *Instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, Marketing Branch, 2022* (as amended from time to time) by the Enlistment Authority of the Punjab Mandi Board Marketing Branch.

 - (e) **Man power contract means** the annual contract in the Mandis of the State of Punjab for providing temporary man power for Rabi / kharif seasons and any other work as required by market committee.

- (f) The “**Department**” shall mean Punjab State Agricultural Marketing Board (“**Punjab Mandi Board**”)
- (g) The “**Enlistment**” shall mean empanelment of a Firm by Enlistment Authority of Punjab Mandi Board acting through its Marketing Branch (“**PMB-Marketing Branch**”).
- (h) The “**PAN**” shall mean Personal Account Number issued by the Income Tax Authorities, Government of India.
- (i) The “**Sales tax number**” shall mean the Sales Tax Number issued by the concerned department of Government of Punjab.
- (j) The “**Tender**” shall means an offer submitted by an Enlisted Firm to the Punjab Mandi Board/Market Committees in response to a notice inviting tender for executing a work.

3. Introduction

- (a) Punjab Mandi Board has a network of 154 Market Committee and 1828 Mandis in the State of Punjab where the agriculture produce is marketed/ sold by the Farmers throughout the year. At times to facilitate the sale/ purchase during the season of paddy and wheat additional (temporary) mandis are created. However, tenders for the PMB-Marketing Branch Works will only be called for at the 154 Market Committee (1828 Mandis). Should any additional (temporary) mandis be created, the concerned DMO with the Secretary Market Committee will extend, at no loss to the Punjab Mandi Board/Market Committee, the allotted Tenders at regular Mandis to cover any additional (temporary) mandis ensuring as far as possible fair equitable extension of the allotted tender to the additional (temporary) mandis.
- (b) Punjab Mandi Board through its PMB-Marketing Branch is enlisting Firms (contractors) who intend to work with the Department for the PMB-Marketing Branch Works in the mandis.
- (c) The purpose of this enlistment of Firms for the **Man power contract** is:
 - (i) To ensure efficiency and transparency in the award of annual contracts
 - (ii) To provide fair and equitable treatment to bidders
 - (iii) To promote competition
 - (iv) To put in place mechanisms to prevent corrupt practices.
 - (v) To have a ready list of contractors so as to minimize requirement of verification of credentials of intending contractor at the time of individual tenders of works.
- (d) The enlistment of a Firm is pre-requisite to bid/tender for the **Man power contract**.
- (e) No officer or employee of the Punjab Mandi Board/Market Committee; or Managers/employee of the Enlisted Firm shall act in contravention of the code of integrity as specified hitherto.

- (f) The Enlisted Firm and its Manager(s) shall have to abide by the *Instructions for Enlistment of Contractor Firms in Punjab State Agricultural Marketing Board, Marketing Branch, 2022* (as amended from time to time) and the provisions of the Tender Documents during the currency of their enlistment.

4. Applicability

- (a) A Firm may apply for enlistment as a contractor in the PMB - Marketing Branch for the **Man power contract** individually provided that eligibility criteria and other conditions are met with.
- (b) The Firm will be enlisted for Office of Market committees in state of Punjab.
- (c) A Manager of an Enlisted Firm cannot be a Manager in any other Enlisted Firm.
- (d) An Enlisted Firm is not permitted to have enlistment in more than one name.
- (e) No Enlisted Firm will have such a Manager who is a dismissed government servant, or removed from approved list of contractors by a Government Entity, or convicted by a court of law. However, cases where disciplinary action was for a specified period and such period is already over, the case of enlistment shall be considered on merits.
- (f) No Enlisted Firm must have been blacklisted and/or debarred for any reason by a Government Entity. However, where penalty period for the Firm is already over, its case of enlistment shall be considered on merits.
- (g) For the purpose of these instructions, the blacklisted Firm/Enlisted Firm shall include all its Manager(s).
- (h) No Enlisted Firm shall have such Manager(s) who have been Manager(s) of a Firm blacklisted by a Government Entity. However, where penalty period for the Firm is already over, its case of enlistment shall be considered on merits.
- (i) No Enlisted Firm should have failed to perform any contract with the Government Entity, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor have been expelled from any contract nor have had any contract terminated for breach on his part during last three (3) years from date of application for enlistment.
- (j) No Enlisted Firm or its Manager(s) should have been declared as a defaulter or been penalized by Employee Provided Fund Organization for non-payment/less payment of dues to its employees.

5. Scope

- (a) The Enlisted Firm shall only be eligible to bid in office of market committees of Punjab State.
- (b) The Enlisted Firm shall be borne on the register of Enlisted Firms to be maintained in PMB - Marketing Branch.

- (c) The details of Enlisted Firm along with its ownership/Mangers/e-mail id, mobile number etc and enlistment details etc. shall be made available on website of the Punjab Mandi Board.

6. Enlistment Procedure under these instructions

- (a) To enlist, the Firm shall have to successfully submit an online application at www.mandiboard.nic.in into the Enlistment Authority.
- (b) The Enlistment Fee shall be deposited by the applicant Firm through PMB Payment Gateway which is integrated with the online forms or any other mode as decided from time to time.
- (c) The Enlistment Authority shall have the right to independently verify the details furnished by the applicant Firm and/or to seek other reports/information as may be considered necessary.
- (d) Incomplete enlistment applications shall be considered rejected.
- (e) The Enlistment Authority shall decide all applications received within a period of 5 days from the date of online submission or the date that the additional documents sought by the Enlistment Authority are submitted, whichever is later:
 - (i) If application is approved - an Enlistment Certificate shall be sent online/by email.
 - (ii) If application is rejected – a speaking order of rejection shall be sent online/by email.
- (f) The decision of the Enlistment Authority shall be final and binding on the applicant Firm. In the case of rejection of application enlistment fee remitted with the application shall be refunded to the extent of 50% (fifty percent) to applicant Firm if firm applies.

7. Enlistment Period

- (a) The enlistment shall be valid for a period of two (2) years.
- (b) The enlistment of an Enlisted Firm shall be open to review by the Enlistment Authority and liable to termination/suspension/debarment/blacklisting or any other such actions at any time, if considered necessary, by the Enlistment Authority, but only after seeking reply of that Firm through a show cause notice.

8. Eligibility Criteria

- a. The applicant Firm shall have to satisfy the eligibility criteria as detailed in these instructions and in the online application form before they can be considered for enlistment.
- b. If required, the financial soundness of the Firm shall be judged solvency certificate issued by the Bankers on the prescribed format (**Annexure-B**). Such solvency certificate shall be issued by any Scheduled Bank.

- c. Firms must have experience of providing manpower services in various Government/ Semi Government / PSUS for last 2 years ending 28.02.2022. The firm must have supplies at least 100/year employees in the said department. In support of this, the bidder shall submit the copy of respective completion certificate(s) indicating the successful execution of annual outsourcing work in Govt./ Semi Govt/ PSU organizations during last 2 years ending 28.02.2022. (Provide information in **Annexure-(A)**).

9. Certificates/Documents to be uploaded by applicant Firm with enlistment application (these documents shall be in addition to the documents detailed in the online application):

- (a) PAN of the Firm and its Managers;
- (b) Valid GST/VAT (Value Added Tax) Number Certificate;
- (c) Firms must have experience of providing manpower services in various Government/ Semi Government / PSUS for last 2 years ending 28.02.2022. The firm must have supplies at least 100 employees/year in the said department. In support of this, the bidder shall submit the copy of respective completion certificate(s) indicating the successful execution of annual outsourcing work in Govt./ Semi Govt/ PSU organizations during last 2 years ending 28.02.2022. (Provide information in **Annexure-(A)**).
- (d) Proof of Valid EPF, ESI number;
- (e) Solvency Certificate in the prescribed format (**Annexure B**);
- (f) Property Confirmation Document

10. Enlistment Authority and Fees

- (a) The Enlistment Authority shall be as appointed by the Secretary Mandi Board.
- (b) The Enlistment Fee shall be Rs. 5,000 for **Man power contract**.

11. Change in the Firm

- (a) The Enlisted Firm shall not modify/change the existing name or constitution without the prior approval of the Enlistment Authority. Such proposal, if any, shall be submitted in advance giving complete details of the intended Firm as per **Annexure D**.
- (b) Any change in name or constitution of the Enlisted Firm without prior approval of the Enlistment Authority will render the Enlisted Firm, in addition to action under these instructions, liable to be removed from the register of Enlisted Firms maintained in PMB - Marketing Branch and existing contracts of the Firm (if applicable) may be cancelled with security being forfeited.

- (c) If an Enlisted Firm is converted in two or more firms by any action of its partners, the new firm(s) or any separated partner(s) in his (their) individual/joint capacity shall have to apply for enlistment afresh, as a separate entity.

12. Address of Firm

- (a) While applying for enlistment, the Firm should mention address of his registered office as well as Head Office, if different.
- (b) The Enlisted Firm shall intimate change of address, if any, in advance or maximum within one month of such change along with acknowledgement of noting down of such change in address from Bank, Income Tax authorities, VAT authorities etc. Failure to do so may result in removal of the name of the Enlisted Firm from the register of Enlisted Firms maintained in PMB - Marketing Branch.

13. Near Relatives Working in Punjab Mandi Board

- (a) The Enlisted Firm shall not tender for works falling in the jurisdiction of the office (where the tender-contract is to be executed) where a near relative of the Manager of the Enlisted Firm is working.

- (b) For this purpose,

- (i) a 'near relative' shall mean the Wife, Husband, Father, Mother, Grandparents, Children, Grandchildren, Brothers, Sisters, First Uncles, First Aunts, First Cousins and their corresponding in-laws of the Enlisted Firm's Manager(s) who is working on the post of Accountant/ Secretary Market Committee/ District Mandi Officer/ Deputy General Manager (field posting) of Punjab Mandi Board
- (ii) jurisdiction of the office shall be as follows:

SN	Officer/Official	Jurisdiction of the office
1	Accountant/Secretary Market Committee	Market Committee
2	District Mandi Officer	District

14. No-Dues Certificate (NDC)

- a. The applicant Firms required to submit an NDC in prescribed format (**Annex C**) from all the Districts if it had worked in any capacity in Punjab Mandi Board/Market committee during the last 3 years.
- b. The No-Dues, in prescribed format, for each such district, shall be issued and signed by the District Mandi Officer.
- c. The DMO will issue No-Due certificate within two days to the applicant other wise it will be assumed that there is no amount due against the applicant.
- d. Applicant will give undertaking that he has worked in so and so SMC's/Districtsduring last year.

15. Enlisted Firm's Obligations

- a. The Enlisted Firm shall fulfil its obligations in a manner as specified, failing which it shall be liable for action as mentioned in these instructions/Tender.

- b.** Some of the Enlisted Firm's obligations are summarized below:
- (i) Prior approval shall be obtained from the Enlisting Authority before changing the Firm's constitution/and name.
 - (ii) Intimation of change of address of the Firm shall be given in advance or within one month of change in address to the Enlisting Authority.

Abide by these instructions (as amended from time to time) and the terms and conditions of the Contract and the Detailed Notice Inviting Tenders/ bidding document.
 - (iii) Abide by the Code of Integrity.
 - (iv) Not indulge in unethical, fraudulent practices.
 - (v) Continue to observe the labour bye-laws and regulations.
 - (vi) Continue to pay all taxes, duties, levies and labour cess etc. as per applicable law.
 - (vii) Deposit the ESI, EPF, all taxes and an attested copy of proof of submission shall be submitted to the concerned Secretary Market Committee.
 - (viii) Pay Minimum Wages as fixed by the competent authority
 - (ix) Issue employment card to the workers and maintain the muster roll, the wage register and other registers / documents as provided in the Contract Labour (Regulation & Abolition) Act
 - (x) Provide photo identity cards to the persons employed by it for carrying out the work. These identity cards are to be constantly displayed and renewed at the appropriate time.

16. Disciplinary Actions

- a.** The Enlisted Firm may be debarred/suspend for a period up to two (2) years in the following circumstances:
- (i) Misbehaviour, direct or indirect involvement in threatening departmental officer/official;
 - (ii) Making false complaints, indulging in frivolous litigation;
 - (iii) Hampering the tender process or execution of contract;
 - (iv) Any act, omission or commission etc. damaging the reputation of the department or departmental officer/ official;
 - (v) Having failed to take up the work after allotment;

- (vi) Failure to comply with the instructions/conditions of the bidding document which provide for debarring of the Enlisted Firm during the bidding process.
 - (vii) Any harm or alteration (without written consent of the Competent Authority) done to existing structure of the mandi.
 - (viii) any other complaint considered fit by the Enlistment Authority.
- b. **Blacklisting/Removal of the Enlisted Firm:** The Enlisted Firm may be blacklisted/removed from the register of Enlisted Firms maintained in PMB - Marketing Branch, if the Enlisted Firm or its Manager:
- (i) is found to have been involved in misappropriation of government monies; or
 - (ii) is convicted of an offence,- (a) under the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988); or (b) under the Indian Penal Code, 1860 (Central Act No. 45 of 1860) or any other law for the time being in force, for causing any loss of life or property or causing a threat to public health as part of execution of a tender contract; or
 - (iii) has failed to execute a contract or has executed it unsatisfactorily; or
 - (iv) ceases to fulfil/maintain eligibility criteria based on which enlistment was allowed; or
 - (v) persistently violates any vital conditions of the contract; or
 - (vi) fails to abide by the conditions of enlistment; or
 - (vii) is found to have given false particulars/indulged in material concealment or suppression of facts or misrepresentation of facts at the time of enlistment or in the process of tendering or during the execution of contracts; or
 - (viii) has indulged in any type of corrupt, fraudulent, coercive, undesirable or restrictive practice in the tendering process; or
 - (ix) advancing a claim on the basis of forged documents; or
 - (x) changes the constitution/name of the Enlisted Firm without prior approval of the Enlistment Authority; or
 - (xi) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or
 - (xii) persistently violates the labour regulations and rules and does not comply with the payment of Minimum Wages; or
 - (xiii) is involved in complaints of serious nature received from other departments which prima facie appear to be true; or

- (xiv) defaults in settlement of Central/State/Local Bodies tax dues like income tax, contract tax, VAT, duties, levies, labour cess etc.; or
 - (xv) Is involved any other case or situation involving national security.
- c. Procedure: The Enlistment Authority will serve a show cause notice on the Enlisted Firm and following due procedure after hearing the Enlisted Firm, the Enlistment Authority shall record its decision in writing. The Enlistment Authority may call for additional documents etc as it may deem fit.
- d. If any of the charges are established, the Enlistment Authority shall decide the penalty period:
- (i) For debarring/suspending business which shall be upto 2 years
 - (ii) Blacklisting/Removal from the register of Enlisted Firms maintained in PMB - Marketing Branch for a period that shall depend on the extent, magnitude or culpability of conduct. The decision taken in removal of name of the Enlisted Firm from the register of Enlisted Firms maintained in PMB - Marketing Branch/approved list for the decided period shall be posted on the web site of Punjab Mandi Board and circulated to all departments, boards, corporations of the Punjab State and Chandigarh Administration. *(Note: The removal of name of the Enlisted Firm from register of Enlisted Firms for a particular period, shall amount to black listing for the said period).*

17. Code of Integrity

A. The code of integrity shall include the following, namely:

- (i) Prohibiting:
 - (a) any offer, solicitation or acceptance of any favour, bribe, reward or gift or any material benefit, either directly or indirectly, in exchange for an unfair advantage in the enlistment/tendering process or to otherwise influence the enlistment/tendering process or the action of other party;
 - (b) any omission, including a misrepresentation that misleads or attempts to mislead so as to obtain a financial or other benefit or avoid an obligation;
 - (c) any collusion, bid rigging or anti-competitive behaviour to impair the transparency, fairness and progress of the enlistment/tendering process;
 - (d) improper use of information shared between Punjab Mandi Board/Market Committees and the Enlisted Firm with an intent to gain unfair advantage in the enlistment/tendering process or for personal gain;
 - (e) any financial or business transactions between the Enlisted Firm and any officer or employee of the Punjab Mandi Board/Market Committees;
 - (f) any coercion including impairing or harming or threatening to do the same, directly or indirectly, to any Code of integrity for Punjab Mandi Board/Market Committees and Enlisted Firm or to its property to influence the enlistment/tendering process; and
 - (g) any obstruction of any investigation or audit of a enlistment/tendering process;

- (ii) timely disclosure of conflict of interest; and
- (iii) timely disclosure by the Enlisted Firm of any previous transgressions with any entity in India or any other country during the last three years or of any Blacklisting/debarment/penalty by any other Government Entity.

B. In case of any breach of the Code of Integrity by a Firm/Enlisted Firm, the Enlistment Authority may take appropriate measures towards debarment/suspension/Blacklisting leading to removal from the register of Enlisted Firms maintained in PMB - Marketing Branch, including forfeiture or encashment of security of the Firm/Enlisted Firm, the recovery of payments (if any) made by the Punjab Mandi Board/Market Committee to the Firm along with such interest, as may be prescribed, the cancellation of the relevant contract and recovery of compensation for loss incurred by the Punjab Mandi Board/Market Committee etc. as per law

C. An Enlisted Firm that:

1. withdraws from the tender process after opening of financial bids; or
2. withdraws from the tender process after being declared the successful bidder; or
3. fails to enter in to contract after being declared the successful bidder; or
4. fails to provide required security or any other document or security required in terms of the tender documents after being declared the successful bidder, without valid grounds,
5. intentionally files any vexatious, frivolous or malicious appeal or complaint with the intention of delaying or defeating any tender or causing loss to Punjab Mandi Board/Market Committee

shall, in addition to actions under S.No. 17,(above), be punished with fine which may extend to twenty per cent of the assessed value of tender.

D. Where an offence under these instructions has been committed by the Enlisted Firm, the Manager of such Enlisted Firm at the time the offence was committed, as well as the Enlisted Firm, shall be deemed to be guilty of having committed the offence and shall be liable to be proceeded against and punished accordingly.

18. Revision/Modification of Instructions:

- (a) Secretary, Punjab Mandi Board may modify, amend, add, delete and/or change any of the above instructions and same shall be binding on all Firms/Enlisted Firms.
- (b) Notwithstanding anything stated above, the provision of any rules/orders issued separately including towards disciplinary action by Punjab Mandi Board shall be applicable for all Firms/Enlisted Firms.

19. Collective Liability:

- a. The Managers of the Enlisted Firm shall be individually and collectively liable for the act of the Enlisted Firm.

- b. In case the work is left incomplete and various clauses of contract agreement are invoked for breach of contract agreement, in addition to other legal remedies, the enlistment of the Enlisted Firm may be cancelled and it may be debarred from tendering in the *PMB-Marketing Branch Works* in future.

20. Repeal & Saving: All instructions regarding Enlistment in Punjab Mandi Board – Marketing Branch existing before coming into force of these “Instructions for Enlistment of Contractors in Punjab State Agricultural Marketing Board, Marketing Branch, 2022” stand supersede.

21. Arbitration

- a. The provisions of Arbitration & Conciliation Act, 1996, as amended upto date, shall apply to the arbitration proceedings under this Enlistment.
- b. All the disputes and differences arising out of any order of the Enlistment Authority given under the Instructions for Enlistment of Contractors in Punjab State Agricultural Marketing Board, (Marketing Branch) 2022, whatsoever, shall be referred to the Sole Arbitrator.
- c. All parties have agreed to authorize Secretary Mandi Board to appoint an independent and impartial Arbitrator.
- d. In the event of such Arbitrator, to whom the matter is originally referred to, vacating his office or being unable to act as an Arbitrator or resigning for any reason, the Secretary Mandi Board, at the time of such vacation of office or inability to act or resigning, shall appoint another person to act as Arbitrator in accordance with the terms of this contract. Such Arbitrator shall be entitled to proceed with the reference from the stage at which it was left by his predecessor
- e. The award of Arbitrator shall be final and binding on the parties.
- f. The venue and seat of arbitration proceedings shall be at Mohali/Chandigarh and language of arbitration proceedings shall be English. The Arbitrator shall be deemed to have entered on the reference on the date when first hearing of case takes place after due notice to the parties, irrespective of whether both the parties are present or not on that date. The work under this contract shall, if reasonably possible, continue during the arbitration proceedings.

22. Jurisdiction of Civil Courts: Parties have agreed that for any dispute, arising out of or related to this contract or arbitration relating to this contract, will be subject to the Civil Jurisdiction of the Courts at Mohali only.

Annex A
Format for submission of Experience

Sr no.	Name of the organization where service provide	Satisfactory work certificate	Period		No. of manpower	Number of days
			From	To		

Signature of the
firm

Copy to be enclosed (Satisfactory work certificate from concerned organization)

"To whom it may concerned"

It is certified that(Name of the firm) has supplied(Number of man power supplied) for(Number of Days) to this organization

Authorised signature
with seal of organization

Annex B**SOLVENCY CERTIFICATE FROM A SCHEDULED BANK- (on Bank Letter head)**

This is to certify that to the best of our knowledge and information M/s Shri_____ a customer of our bank are/is respectable and can be treated as good for any engagement up to a limit of Rs. .

This certificate is issued without any guarantee or responsibility on behalf of the Bank or any of the officers.

(Signature) For the Bank

Note : In case of partnership firm, certificate to include names of all partners as recorded with Bank.

Annex C
No-due certificate (NDC)

I.....(Name) D.M.O posted at..... hereby certify that the firm..... has no-duesowing to any market committees in the district.

or

I.....(Name) D.M.O posted at..... hereby certify that the firm..... has dues owing to the following market committees in the district.

S.No	Name of market committees	Amount due

Signature&Stamp of DMO

Annex D**LIST OF DOCUMENTS/INFORMATION REQUIRED TO BE SUBMITTED FOR CHANGE OF CONSTITUTION**

- (i) Copy of proposed partnership deed duly signed/proposed Memorandum of articles.
- (ii) Attested copy/copies of PAN.
- (iii) An undertaking sworn at the sewakendra of the state by all the partners/Directors (as the case may be) to the effect that the new firm will take over all assets and liabilities.
- (iv) Dissolution deed/consent of retiring partners/death certificate in case of death of a partner.
- (v) Any other documents required by the Enlistment Authority