

**West Bengal Mineral Development and Trading Corporation Limited**



**NOTICE INVITING EXPRESSION OF INTEREST**

**FOR**

**EMPANELMENT OF OPERATORS FOR EXCAVATION AND TRANSPORTATION OF SAND FROM SAND MINES TO STOCK-YARDS/DEPOTS, SETTING UP AND MAINTENANCE OF STOCK-YARDS/DEPOTS, LOADING SAND ON THE VEHICLE OF THE END-CONSUMER AND SALE OF SAND IN THE STATE OF WEST BENGAL(For Category-A)**

**West Bengal Mineral Development & Trading Corporation Limited  
3<sup>rd</sup> Floor, DJ - 10 (WBIIDC Building)  
DJ Block, Sector II, Salt Lake City  
Kolkata 700 091**

**Nodal Officer:**

Chairman & Managing Director, WBMDTCL

Contact: 033-23590073

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**Notice No.: MDTC/SAND/004/Part-2/890**

**Dated: 06<sup>th</sup> April 2023**

**Non-Refundable Document Fee: INR 59000/- only (INR 50000/- + 18% GST)**

**Notice Inviting Expression of Interest**  
**The West Bengal Mineral Development & Trading Corporation Limited**  
**3rd Floor, DJ - 10 (WBIIDC Building)**  
**DJ Block, Sector II, Salt Lake City, Kolkata 700091**

**Notice Inviting Expression of Interest (“EoI”) for Empanelment of Operators for Excavation and Transportation of Sand from Sand Mines to stock-yards/ depots, Setting Up and Maintenance of Stock-Yards/ Depots, Loading Sand on the Vehicle of the End-Consumer and Sale of Sand in the State of West Bengal**

The West Bengal Mineral Development & Trading Corporation (“**WBMDTCL**”), a fully owned undertaking of the Government of West Bengal (“**GoWB**”) incorporated as a company under the Companies Act, 1956 on 23 February 1973 under the direct administrative control of Department of Industry, Commerce & Enterprises, invites applications from reputed operators for excavation of sand from sand mines situated in the State of West Bengal (“**Operators**”).

The EoI can be downloaded from the e-procurement portal of GoWB ([www.wbtenders.gov.in](http://www.wbtenders.gov.in)) (“**Portal**”) from 06.04.2023 onwards. For participating in the Empanelment process for empanelment as an Operator (“**Empanelment Process**”), the terms and conditions, timelines, etc. as provided in this EoI and the terms and conditions as provided in the Portal shall be applicable.

The GoWB announced the West Bengal Sand Mining Policy, 2021 (“**Policy**”) for scientifically governing excavation, transportation, storage and sale of sand from the Sand Mines with special emphasis on environmental protection and strict monitoring of the aforesaid activities. Under the Policy, it has been decided that WBMDTCL shall be the designated agency of GoWB to effectively achieve the aforementioned objectives.

In view of the aforesaid, WBMDTCL intends to empanel Operators for excavation, transportation of sand from sand mines to stock-yards/ depots and setting up and maintenance of stock-yards/ depots and loading on the vehicle of end-consumer in the State of West Bengal under 2 (two) distinct categories based on the area of the Sand Mines, as more fully described in detail in paragraph A of Chapter 1 (*Introduction and Scope of Work*).

The interested applicants, who fulfil the eligibility criteria as specified hereinafter in this EoI, can submit their applications on the Portal **for any 1(one) of the 2(two) distinct categories**.

The interested applicants shall register themselves with the Portal using valid Digital Signature Certificate. The interested applicants can participate in the Empanelment Process only after payment of a non-refundable Document Fee of

1. INR 59,000/- (Indian Rupees Fifty Nine Thousand Only) **(Rs.50,000 + 18% GST) for**

**Category A applicants**

2. INR 1,18,000/-(Indian Rupees One lakh eighteen Thousand Only)(Rs.1,00,000/- + 18% GST ) for Category B applicants

Any further communications, corrigendum, addendum, etc. shall only be available on the above Portal and there will be no news paper notification/ advertisement in this regard.

WBMDTCL reserves the right to (i) reject any or all applications without assigning any reason whatsoever; (ii) reschedule the application date(s) due to any unforeseen circumstances at any stage of the Empanelment Process; (iii) cancel the Empanelment Process, without assigning any reason for the same.

### Key Dates

Sl. No.	Event Description	Timeline	Date
1.	Posting of EOI document on the Portal	10:00 HRS	06.04.2023
2.	Last Date for receiving queries by email on <a href="mailto:tenderwbmdtcl@gmail.com">tenderwbmdtcl@gmail.com</a>	17:00 HRS	18.04.2023
3.	<p>Date of Pre-Application Meeting EOI for Empanelment of Operators for Excavation and Transportation of Sand from Sand Mines to Stock Yard/Depots, Setting up and maintenance of Stockyard/Depots, Loading Sand on the vehicle of the end-consumer and sale of Sand in the State of West Bengal (Category-A).</p> <p>Time: Apr 20, 2023 12:30 PM India</p> <p>Join Zoom Meeting <a href="https://us06web.zoom.us/j/88085325022?pwd=dU5EZDduczZGcm1JcTZFK3pjclFQQT09">https://us06web.zoom.us/j/88085325022?pwd=dU5EZDduczZGcm1JcTZFK3pjclFQQT09</a> Meeting ID: 880 8532 5022 Passcode: 008621</p>	12:30 HRS	20.04.2023
3.	Application online uploading Due Date	16:00 HRS	12.05.2023
4.	<p>Last Date/Time for submission of required documents physically through Offline Mode</p> <p>Original copy of the Documents to be dropped in sealed cover superscribed with the Category of Empanelment, EOI number and Name of Applicant. The sealed cover to be dropped at :</p> <p>3rd Floor, DJ - 10 (WBIIDC Building) DJ Block, Sector II, Salt Lake City Kolkata 700 091</p>	17:00 HRS	12.05.2023
5.	Opening of Application	16:00 HRS	15.05.2023
5.	Announcement of Qualified Operators who shall be Empanelled	To be intimated later	

## **Disclaimer**

The information contained in this EoI or subsequently provided to the interested applicants, whether verbally or in writing or in any other form, by or on behalf of WBMDTCL, or any of its employees or advisors, is provided to interested applicants on the terms and conditions set out in this EoI in the form of any addendum or corrigendum or otherwise subject to which such information is provided.

This document is neither an agreement nor an offer by WBMDTCL to the interested applicants or any other person. The purpose of this EoI is to provide interested applicants with information that may be useful to them in making their applications pursuant to this EoI. This document may not be suitable or advisable for all persons, and it is not possible for WBMDTCL, its employees or advisors to consider the investment objectives, financial situation and particular needs of the interested applicants who read or use this EoI. The assumptions, assessments, statements and information contained in this EoI may not be complete, accurate, adequate or correct. Each interested applicant should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability, legality and completeness of the assumptions, assessments, statements and information contained in this EoI and obtain independent advice from appropriate sources.

WBMDTCL, and its employees and advisors, make no representation or warranty and shall have no liability to any person, including any interested applicant under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this EoI or otherwise, including the accuracy, adequacy, correctness, completeness or reliability or legality of this EoI and any statement or information contained herein or deemed to form part of this EoI or arising in anyway whatsoever, for participation in the Empanelment Process.

WBMDTCL absolves any liability of any nature whatsoever whether resulting from negligence or otherwise how so ever caused arising from reliance of any interested applicants upon the statements contained in this EoI.

WBMDTCL may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this EoI.

The issue of this EoI does not imply that WBMDTCL is bound to select any number of interested applicant for empanelment as per the terms and conditions of this EoI. WBMDTCL reserves the right to reject all or any of the applications of the applicants without assigning any reason whatsoever.

Each applicant shall bear all its costs associated with or relating to the preparation and submission of its application including but not limited to preparation, copying, postage, delivery fees,

Document Fees, expenses associated with any demonstrations or presentations which may be required by WBMDTCL or any other costs incurred in connection with or relating to its application, submission, or selection. All such costs and expenses shall be exclusively borne by the applicants.

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## Chapter 1

### Introduction and Scope of Work

#### A. Invitation of Applications:

WBMDTCL invites applications as per the terms and conditions appearing hereinafter this EoI from interested applicants for empanelment of Operators for carrying out of excavation of sand from Sand Mines situated in the State of West Bengal.

Interested applicants who meet the eligibility criteria as specified in this EoI are hereby invited to review the details of this EoI, submit their applications for the services set out in the Scope of Work in paragraph C of this Chapter.

The empanelment of Operators will be for 2 (two) categories (“**Category**”) depending on the area of one or more Sand Mines (“**Block**”) as per the following details:

Sl. No.	Category	Area of each Block (in Hectares)
1.	A	$\leq 20$
2.	B	$> 20$

**It may be noted that interested applicants can only submit their applications for empanelment in respect of either Category A or Category B. None of the interested applicants will be allowed to submit an application for more than 1 (one) Category. Applications may be rejected if scanned documents are not uploaded in the e-procurement portal as per Category (A or B).**

It may be further noted that on the basis of actual availability of Sand Mines at river stretches, dams and reservoirs, WBMDTCL shall prepare suitable Blocks for each of the Categories stated above. The Blocks will be prepared, keeping in mind the geographical locations and proximity of the Sand Mines and any other relevant factor, to the extent possible. WBMDTCL reserves the right to determine the Blocks for each of the Categories. The applicants cannot challenge the same or demand to get the same modified under any circumstances. In this regards, the decision of WBMDTCL shall be final and binding. At the time of bidding process for selection of Operator amongst the empaneled Operators for a particular Block comprised in either Category A or Category B, WBMDTCL or the GoWB may limit the maximum number of Blocks for which one single Operator may be selected either for Category A or Category B, at any given point of time.

Upon empanelment of the Operators for each of the Categories, whenever need arises, WBMDTCL shall call for applications for selection of the Operators for specific Blocks. It is hereby clarified that only Operators empaneled for a particular Category shall be eligible to submit an application for the Block forming part of that particular Category. For example, an Operator empaneled for Category A shall be eligible to submit an application for Blocks forming part of Category A, only.

**B. Term of Empanelment:**

The empanelment of each Operator shall be valid for 5 (Five) years from the date of empanelment. After the expiry of 5 (Five) years, renewal of empanelment, of the Operator, if applicable, shall be at the sole discretion of WBMDTCL.

**C. Scope of Work:**

- a) Operator shall ensure that the excavation of sand from the Sand Mines, transportation of sand from Sand Mines to stock-yards/ depots, setting up and maintenance of stock-yards/ depots, loading of sand in the vehicle of the end-consumer and sale of sand is carried out in a scientific, environmentally sustainable and socially responsible manner, so as to prevent damage to the riverine system and to prevent pollution, ground water depletion and flooding.
- b) Operator shall ensure that the excavation of sand from the Sand Mines, transportation of sand from Sand Mines to stock-yards/ depots, setting up and maintenance of stock-yards/ depots, loading of sand in the vehicle of the end-consumer and sale of sand is in accordance with the Mining Plan approved by GoWB, environmental clearances and other permits, approvals, and licenses, as may be applicable.
- c) Operator shall deploy the necessary machinery and manpower to ensure that the excavation of sand from the Sand Mines, transportation of sand from Sand Mines to stock-yards/depots, setting up and maintenance of stock-yards/ depots, loading of sand in the vehicle of the end-consumers and sale of sand is in accordance with *inter alia* the terms and conditions contained in this EoI, as well as Request for Proposal Document and the draft contract for selection of the Operator for each Block.
- d) Operator shall be entitled to sell the sand from the stockyards/ depots strictly as per the procedure laid down by WBMDTCL and the revenue generated from such sale of sand shall be deposited in the designated bank account as may be intimated by WBMDTCL.
- e) Operator shall ensure that the excavation of sand from the Sand Mines, and transportation of sand from Sand Mines to stock-yards/depots is done only during such hours of the day as specified by WBMDTCL.
- f) Operator shall create suitable identification marks/ specific colour/ indications in all of its



- vehicles transporting sand in such pattern, indications and colour as directed by WBMDTCL.
- g) Operator shall be responsible for setting up and maintenance of ramps, haulage and/ or access roads to and from sand mines/ stock yards, as applicable.
  - h) Operator must maintain digital registers of daily excavation, transportation, loading, sale and stock availability of sand at the Sand Mine and at the stock-yards/depots, as may be applicable.
  - i) Operator shall procure and install GPS/Rfid in all the vehicles used to transport sand from Sand Mine to stockyards/depots, as directed by WBMDTCL. Operator shall be responsible for upkeep and maintenance of such GPS/Rfid installed in their vehicles.
  - j) Operator must set up a display board at prominent place in the Sand Mine and stockyards/ depots, as may be applicable, clearly mentioning name and Category of Sand Mine, area of the Sand Mine, total deposit of Sand, name of Operator, name of manager and supervisor along with contact numbers, name and contact numbers of contact person/in-charge in WBMDTCL to be contacted in case of a complaint, etc.
  - k) Operator must maintain digital visitor register with respect to the Sand Mine and/or stockyards/ depots, as may be applicable.
  - l) Operator shall comply with all orders and judgments of judicial authorities including National Green Tribunals, Hon'ble High Court at Calcutta, and Hon'ble Supreme Court of India, and applicable laws, rules, regulations, notifications, government orders, policies, etc.
  - m) Operator shall make all arrangements for ensuring safety standards and prevention of occupational health hazards as required by orders and judgments of judicial authorities including National Green Tribunals, Hon'ble High Court at Calcutta, and Hon'ble Supreme Court of India; applicable laws, rules, regulations, notifications, government orders, policies, etc; and best industry practices and standards.
  - n) Operator shall assist/obtain Environment Clearance, Mining Plan, Consent to Operate/Consent to Establish and other statutory clearances from competent authorities.
  - o) Operator shall be responsible for the completion and supervision of the entire Scope of Work in accordance with *inter alia* the terms and conditions contained in the EoI for selection of the Operator for each Block.
  - p) Operator shall be responsible for upkeep and maintenance of the Block and safe guarding the Block from any loss or damage caused or likely to be caused due to any reason whatsoever such as illegal mining or pilferage, at all times, at its own expense.
  - q) Operator shall take necessary measures at own cost for creation/ maintenance/ upkeep infrastructure such as connecting roads from sand blocks to stockyard/ depot and from stockyard/depot upto motorable road , temporary/ portable site office, guard cabins, etc. with power backup and net connectivity.
  - r) Operator shall develop stockyards/ depots near Sand Mines/urban centres. Development of stockyards/ depots includes lighting of stockyard and all such acts required for proper operation, maintenance and security of stockyards/ depots.
  - s) Operator shall install CCTV cameras and keep it operational at all times at the Sand Mines

and stockyards/ depots as per requirements and instructions from WBMDTCL.

- t) Operator shall strictly adhere to the instructions given by WBMDTCL, with the approval of GoWB from time to time including for Information Technology related works and interventions.

***[Note: The Scope of Work given here is indicative and the same shall be further elaborated in the bid documents at the time of final selection of the Operator for a specific Block.]***

#### **D. Role of WBMDTCL:**

WBMDTCL shall be responsible for:

- a) The overall monitoring and supervision of the excavation, of sand from the Sand Mines, transportation of sand from Sand Mines to stock-yards/ depots, setting up of stock-yards/ depots, loading of sand in the vehicle of the end consumer and sale of sand.
- b) Establishing and maintaining a system of checks and balances to prevent illegal sand mining and pilferage of sand from the Sand Mines.
- c) Issuing directions for ensuring proper operation, maintenance and security of stockyards/ depots including directions on installation of CCTV cameras, lighting of stockyard and maintenance of approach route up to nearest access road.
- d) Specifying the hours of the day during which the excavation of sand from the Sand Mines, and transportation of sand from Sand Mines to stock-yards/ depots shall be done by the Operators.
- e) Issuing directions in relation to transportation of sand including directions for colour coding the vehicles transporting the sand and installation of GPS/ RFID in such vehicles.
- f) Facilitation to the authorized Operators for obtaining of Environment Clearance, Mining Plan, Consent to Operate/ Consent to Establish and other statutory clearances from competent authorities.

Nothing contained herein in this paragraph shall be interpreted or construed as waiver of any of the conditions as given in paragraph A of Chapter 2 (Eligibility Criteria) above neither shall it in any way absolve the Operator in fulfilment of its responsibilities as specified in paragraph C of this Chapter (Scope of Work).

#### **E. Change in Scope of Work**

It is hereby clarified that the indicative Scope of Work mentioned in paragraph C above is for the purpose empanelment of the Operator only. At the time of issuance of bid documents for selection of the Operator for a specific Block under Category A and/or Category B, WBMDTCL

may at its sole discretion modify, alter, reduce or extend the Scope of Work, as mentioned in paragraph C above. Accordingly, in such bid documents the scope of work mentioned therein may include all the components of (a) excavation and transportation of sand from sand mines to stock-yards/ depots, (b) setting up and maintenance of stock-yards/ depots, (c) loading sand on the vehicle of the end-consumer and (d) sale of sand, or it may include only one or more of such components in any combination that WBMDTCL may deem it fit and proper at its sole discretion.

## Chapter 2

### Eligibility Criteria and Evaluation of Applicants

#### A. Eligibility Criteria:

Interested applicants shall be eligible to submit applications either for Category A or for Category B for the purpose of being empanelled only if they meet the following requirements:

#### For Category A

Sl. No.	Eligibility Criteria
A1	The applicant must be a (i) company within the meaning of Companies Act, 2013; or (ii) limited liability partnership (“LLP”) registered under the Limited Liability Partnership Act, 2008; or (iii) partnership registered under the Partnership Act, 1932 or (iv) a proprietary firm or (v) individual and must be on the date of submission of the application, engaged in mining of any mineral (other than Earth
A2	<p>(A) Total Value of Mineral mined (other than Earth)</p> <p>The applicant as lessee or quarry permit holder or a contractor of lessee /quarry permit holder must have executed at least 1 (one) mining work in relation to a mine/quarry in the last 5 (five) financial years(FY 2018-2019, 2019-2020 2020-2021,2021-2022 and 2022-2023), amounting to a value not less than INR 25 (twenty five) Lakhs.</p> <p style="text-align: center;">OR</p> <p>(B) Total Quantity of Mineral mined (other than Earth):</p> <p>In last 5 (five) financial years (FY 2018-2019, 2019-2020 2020-2021,2021-2022 and 2022-2023), the Applicant as lessee or quarry permit holder or a contractor of lessee /quarry permit holder should have mined a minimum quantity of 0.5 (zero</p>

Sl. No.	Eligibility Criteria
	point five) Million Metric Tonnes of mineral or aggregate.  *For the purpose of this eligibility criteria, 'mine' shall have the meaning as defined in the Mines Act, 1952.
A3	In last 5 (five) financial years (FY 2018-2019, 2019-2020 2020-2021,2021-2022 and 2022-2023), the applicant should have Aggregate Turnover of INR 2.5 (two point five) Crore
A4	In last 5 (five) financial years (FY 2018-2019, 2019-2020 2020-2021,2021-2022 and 2022-2023), the applicant should have Aggregate Cash Accrual of INR 25 (twenty five) Lakh.*Cash accrual shall mean the net cash flow from operations and shall be calculated as follows: Profit after tax (PAT) + depreciation + other non-cash expenses.
A5	The applicant should have unutilized credit limit (duly certified by its bank(s)) of INR 5(Five) Lakh for fund based and non-fund based limits together with cash and bank balances including unpledged fixed deposits (including accrued interest, if any) as on a date not earlier than 30 (thirty) days from the date of submission of this application (including any extension thereof).  *Only unutilized credit limits with banks shall be considered.
A6	The applicant must be registered for Goods and Services Tax ("GST") and shall have valid Permanent Account Number ("PAN") and Tax Deduction and Collection Account Number ("TAN").
A7	The applicant is not blacklisted for fraudulent and corrupt practices by Central Government or any State Government department/ Public Sector Undertaking/ agency/ organization in India at the time of submission of the application with respect to mining/dredging-desilting related work.
A8	The applicant must have cleared up to date Income Tax, GST and Employees Provident Fund payments.

Scanned Documents to be uploaded in the e-procurement portal for empanelment in <b>Category A</b>	Duly filled in Annexure – A1, A2, A3, A4 & A5
Original copy of the Documents to be dropped in sealed cover superscribed with the Category of Empanelment , EOI number and Name of Applicant. The sealed cover to be dropped at : <b>3rd Floor, DJ - 10 (WBIIDC Building)</b> <b>DJ Block, Sector II, Salt Lake City</b> <b>Kolkata 700 091</b>	Duly filled in original copy of Annexure – A1, A2, A3, A4 & A5

**B. Validity & Opening of Submitted Application:**

- a) Only those applications shall be considered valid for which with the due date and time
  - Scanned copies have been uploaded on the wbtenders portal as applicable
  - Original documents submitted in sealed cover in the drop box as applicable
  - All requisite application Fees including taxes have been paid in the online portal as applicable
- b) The valid application shall be considered for opening through the Portal, as per the timelines mentioned in this EoI.
- c) During the opening of the application, preliminary scrutiny of the documents submitted in support of the application shall be carried out to determine (i) whether the applications and documents supporting thereto are complete; and (ii) whether the applications are otherwise generally in order. Applications not conforming to such preliminary scrutiny shall be rejected.

**C. Evaluation of Submitted Application:**

The Empanelment Evaluation Committee (“EEC”) of WBMDTCL shall evaluate the application as per the following process:

- a) EEC shall evaluate and compare the applications that have been determined to be substantially responsive.
- b) The EEC shall review the application basis the Eligibility Criteria. To assist in the examination, evaluation, of the applications and qualification of the applicants, EEC may, at its discretion, ask any applicant for a clarification of its application from any or all applicants, in connection with their application, on any of the points mentioned therein, and the same may be sent through e-mail address provided by the applicant in its application.

**D. Empanelment:**

Any applicant who is meeting all the eligibility criteria specified in this EoI, shall be eligible to be empaneled as an Operator.

Upon empanelment of the Operators, whenever need arises, WBMDTCL shall call for bids for selection of the Operators under each Category for specific Blocks by way of a bidding process, in which only the empaneled Operators under each Category shall be entitled to participate.

Further, if a consortium is empanelled as an operator, then without obtaining prior written consent from WBMDTCL, no change in the constitution of such consortium and/or any of its members shall be made.

**E. Reserve Price:**

WBMDTCL shall, at the time of issuance of bidding documents for selection of an Operator amongst the empaneled Operator for a specific Block under Category A or Category B, specify a reserve price at which bids shall be conducted to carry out the scope of work mentioned in such bidding documents may be carried out by the selected Operator.

## Chapter 3

### Instructions to Applicants

#### A. General Terms and Conditions:

##### a) Compliance with Applicable Laws:

The Applicants shall in addition to the terms and conditions of this EoI, have to comply with all applicable laws in India, including acts, ordinances, rules, regulations, bye laws or notifications, orders, circulars, practices and procedures of the Government of India and GoWB in connection with public tenders generally or the proposed Scope of Work, specifically.

##### b) Accuracy of Information:

During evaluation of the applications, if any information submitted by any applicant including the empaneled Operator is found to be incorrect, misleading, manufactured or fabricated, the application of such applicants(s) will be rejected and if such applicant has already been empaneled then such empanelment shall be cancelled, after giving an opportunity of hearing to the empaneled Operator), without prejudice to any other rights of WBMDTCL.

##### c) Authorized Representative of the Applicant:

Where an individual as a director/ principal officer/ partner/ designated partner/lead member of a consortium, uploads any application for and on behalf of the applicant, such person shall, upload a copy of the power of attorney (the format of which has been prescribed in Annexure A3 or B3) authorizing him to act on behalf of the applicant for the purpose of this Empanelment Process. It has to be noted that Power of Attorney (“**PoA**”) in favour of the authorized signatory for signing the application **should be supported by the Board Resolution, in case of a company or approval by the partner/ designated partner (holding majority equity) in case of partnership/ LLP empowering the signatory of PoA for signing such kind of PoA.** It may be noted that for proprietorship firm, the proprietor thereof has to sign and upload the application himself/ herself.

##### d) Construction of EoI:

The statements and explanations contained in this EoI and any addenda or corrigenda thereto are intended to provide a better understanding to the applicants about the EoI and should not be construed or interpreted as limiting in any way or manner the Scope of Work

and obligations of the empaneled Operator or WBMDTCL's rights to amend, alter, change, supplement or clarify the Scope of Work. Consequently, any omissions, conflicts or contradictions in the EoI are to be noted, interpreted and applied appropriately to give effect to this intent, and no claims on that account shall be considered by WBMDTCL.

**e) Corrupt Practices:**

WBMDTCL requires applicants to observe the highest standard of ethics during the Empanelment Process. WBMDTCL may, if it determines that an applicant or members of the Consortium has/have, directly or through an agent, affiliate or associate engaged in corrupt, fraudulent, coercive or restrictive practices in competing for empanelment with WBMDTCL in terms of this EoI, take any or all of the following actions:

- (i) Reject the applicant's application.
- (ii) Declare the applicant indefinitely or for a specific period of time, ineligible to participate in any Empanelment/ bidding process of WBMDTCL.
- (iii) Cancel the empanelment, if already empaneled.

**f) Blacklisting:**

In order to be eligible for the empanelment, the applicant or members including any director/member/partner shall not have been previously part of any entity that has been barred or blacklisted from participating in any assignment or project pertaining to mining related work or shall not have any pending disputes with the WBMDTCL and/ or any department of GoWB, Central Government, Public Sector Undertakings, agencies, organizations in connection with any mining related work, which continues as on the date of submission of its application.

**g) Anti-Collusion:**

- (i) WBMDTCL reserves the right at its discretion to report suspected collusive or anti-competitive conduct by applicants or members including any director/member/partner to the appropriate regulatory authority and to provide the authority with all relevant information in relation to the same.
- (ii) The applicants or members including any director/member/partner represent and warrant that the application has been prepared and submitted without any consultation, communication, contract, arrangement or understanding with any of its competitor.

**h) Conflict of Interest:**



WBMDTCL considers a conflict of interest to be a situation in which a party has an interest that could improperly influence that party's performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws, and that such conflict of interest may contribute to or constitute a prohibited practice by WBMDTCL which requires that applicants or members of the Consortium, bidders, suppliers, contractors, and operators under contracts with WBMDTCL, observe the highest standard of ethics and will take appropriate actions if it determines that a conflict of interest has flawed the integrity of the Empanelment Process. Consequently, all applicants found to have a conflict of interest shall be disqualified. An applicant may be considered to have a conflict of interest with one or more parties in this Empanelment Process if, including but not limited to:

- (i) They have promoters/ controlling shareholders/ partners/ designated partners/ management/ members of the Consortium in common.
- (ii) They receive or have received any direct or indirect subsidy or financial grant or financial assistance from any of them.
- (iii) They have the same legal representative for purposes of this Empanelment Process.
- (iv) They have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the application of another applicant, or influence the decisions of WBMDTCL regarding this Empanelment Process.

**i) Amendment of this Eol:**

- (i) At any time prior to the due date, WBMDTCL may, for any reason, whether at its own initiative or in response to clarifications requested by an applicant, modify this Eol by the issuance of addenda/ corrigenda.
- (ii) Any addendum/ corrigendum issued hereunder shall be posted on the Portal. No newspaper advertisement shall be issued in this regard.
- (iii) In order to afford the applicants a reasonable time for taking an addendum/ corrigendum into account, or for any other reason, WBMDTCL may, in its sole discretion, extend the due date, if required.
- (iv) WBMDTCL also reserves the right to modify or alter the Eol and also to withdraw or cancel the Empanelment Process, at any stage.

**B. Preparation of Application:**

- a) The application and all related correspondence and documents in relation to the Empanelment Process shall be in English language.

- b) The application submission shall necessarily contain a table of contents alongwith page numbers.
- c) The application submissions shall be typed. The application submissions written in pencil will not be valid. All the pages should be initialed by the authorized representative of the respondents who is signing the application.
- d) The application and accompanying information shall be complete and strictly as per the requirements in this EoI.
- e) Erasing and overwriting shall be avoided in the application. If any corrections are to be made, the part to be corrected shall be neatly written duly attesting the correction by the person(s) signing the application.
- f) The power of attorney authoring the signatory shall be uploaded along with the accompanying documents. WBMDTCL may reject, outright any application unsupported by the adequate proof of the signatory's authority as well as due to lack of supporting documents. The decision of WBMDTCL in this connection is final and binding on the applicant.

**C. Cost of Submission of Application:**

Each applicant shall bear all its costs associated with or relating to the preparation and submission of its application including but not limited to preparation, copying, postage, delivery fees, Document Fees, expenses associated with any demonstrations or presentations which may be required by WBMDTCL or any other costs incurred in connection with or relating to its application, submission, or selection. All such costs and expenses shall be exclusively borne by the applicants, regard less of the conductor outcome of the process of evaluation of applications.

**D. Process of Submission of Application:**

- a) The applicants are responsible for registration on the Portal at their own cost. The applicants are advised to thoroughly go through all the e-procurement guidelines and instructions, as provided on the Portal and accordingly submit the application. WBMDTCL shall not be liable for the failure of any applicant to comply with guidelines and instructions provided on the Portal.
- b) Applicant shall provide a scanned copies (in PDF format) of the application digitally signed, as per the format provided in this EoI as per the Annexure specified for category A/B as applicable and should be uploaded on the Portal in the allocated folders as specified.
- c) Following are certain key considerations to be kept in mind by the applicant while submitting the application:

- (i) Applications that are incomplete or not in prescribed format or conditional in nature shall be rejected.
  - (ii) If any clarification is required, the same should be obtained before submission of the application.
- d) **The applicants shall upload the scanned copies towards eligibility in the formats as prescribed in the Annexure i.e Annexure A1 toA5 for Category A .**
- e) **Digital Signature Certificate Authentication:** The applicant shall authenticate the application with its Digital Signature Certificate for submitting the application electronically on the Portal and the applications not authenticated by Digital Signature Certificate of the applicant shall be rejected.

**E. Late Applications:**

- a) Applications received after due date will be out right rejected. Applicants are advised in their own interest to ensure that their physical applications are submitted and documents are uploaded on the Portal well before the closing date and time of the Empanelment Process.
- b) WBMDTCL at its sole discretion may extend the deadline for submission of application by issuing a corrigendum on the Portal in which case all rights and obligations of WBMDTCL and applicants previously subject to the original due date shall thereafter be subject to new due-dates, as extended.

**F. Period of Validity of Applications:**

Application shall be valid for a period of 6 (six) months from last date of submission of the application. An application which is valid for a shorter period than 6 (six) months may be rejected by WBMDTCL as non-responsive. WBMDTCL will make its best effort to complete the Empanelment Process within the validity period. In case of need, WBMDTCL may request the applicants to extend the validity period of their applications. Applicants who do not agree, shall have the right to refuse to extend the validity of their application and under such circumstances, WBMDTCL shall not consider such proposal for further evaluation.

**G. Withdrawal of Applications:**

No application shall be withdrawn in the interval between the submission of application and expiry of validity period as mentioned in paragraph F of this Chapter.

#### H. WBMDTCL's right to accept/ reject applications:

WBMDTCL reserves the right to accept or reject any application and to annul the entire Empanelment Process and reject all applications at any time prior to empanelment of the Operator without incurring any liability, or any obligation to inform the affected applicants of the grounds of its action.

#### I. Cancellation of Empanelment:

If the performance of the Operator selected for carrying out mining operations in a particular Block, is found unsatisfactory *inter alia vis-a-vis* the Scope of Work mentioned herein or the contract entered into between the said Operator and WBMDTCL with respect to the said Block, or it fails to meet or comply with the terms of the empanelment and/ or any guidelines or directions issued by WBMDTCL and/ or other statutory bodies, from time to time, or if any point of time it is found that they have violated any conditions of this EOI document , WBMDTCL reserves the right to cancel the empanelment after giving an opportunity of hearing.

#### J. Document Fee:

Applicants are required to remit non-refundable document fee as specified in favor of "The West Bengal Mineral Development Corporation Ltd." through the Portal.

#### K. Clarifications/ Queries:

- a) The applicants may seek clarifications or request further information regarding this Eoi only in the format provided in **Annexure C**.
- b) Any queries or requests for additional information concerning this Eoi may be sent in excel format by e-mail to WBMDTCL.
- c) The email should clearly bear the following subject line: "Queries/ Request for Additional Information under Empanelment no. as specified for "Empanelment of Operator for Excavation of Sand from Sand Mines situated in the State of West Bengal".
- d) Each query should contain complete details of facts, information and applicable law relevant to the query and also the particulars of the person posing the query. WBMDTCL reserves the right to not answer any query, including any query which is incomplete or anonymous.
- e) WBMDTCL shall endeavor to respond to the queries. However, WBMDTCL reserves the right to not respond to any question or provide any clarification, in its sole discretion, and nothing in this Eoi shall be taken or read as compelling or requiring WBMDTCL to respond to any question or to provide any clarification.
- f) WBMDTCL shall upload the responses/ clarifications for queries on the Portal, if required.

The source of the query will not be mentioned.

- g) WBMDTCL may also on its own, if deemed necessary, issue interpretations and clarifications to all applicants. All clarifications and interpretations issued by WBMDTCL shall be deemed to be part of the EoI. Provided, however, that any non-written clarifications and information provided by WBMDTCL, its employees, consultants or representatives in any manner whatsoever shall not in any way or manner be binding on WBMDTCL.

**Annexure A1**  
**Application Letter**

*[To be submitted on the letter head of the Applicant]*

Date:

To,

West Bengal Mineral Development & Trading Corporation Limited  
3<sup>rd</sup> Floor, DJ - 10 (WBIIDC Building)  
DJ Block, Sector II, Salt Lake City  
Kolkata 700 091

Sub: Application for Empanelment No: [•] dated [•].

Dear Sir,

With reference to Empanelment No:[•] dated[•], I, having examined the EoI and understood its contents, hereby submit my application for empanelment as a Operator for **Category A** Block. Capitalized expressions used in this letter shall have the same meaning as ascribed thereto in the EoI.

1. The application is unconditional and unqualified.
2. We have reviewed the terms of the EoI and hereby unconditionally and irrevocably accept, agree and acknowledge the terms thereof.
3. We acknowledge that WBMDTCL will be relying on the information provided in the application and the documents accompanying the application for selection of the empaneled Operator. We certify that all information provided therein is true and correct; nothing has been omitted which renders such information misleading; and all documents accompanying the Application are true copies of their respective originals.
4. This statement is made for the express purpose of our participation in the Empanelment Process and possible empanelment as an Operator.
5. We hereby confirm that we satisfy all the eligibility criteria prescribed in the EoI.
6. We here by acknowledge that if we submit or produce any document and it is discovered subsequently that such document was false or incorrect then we shall be liable under all applicable laws.
7. We shall make available to WBMDTCL any additional information it may find necessary or require to supplement or to authenticate the application.
8. We acknowledge the right of WBMDTCL to reject our application without assigning any reason or otherwise and hereby waive, to the fullest extent permitted by applicable law, our right to challenge the same on any account whatsoever.

9. We declare that:
- a. We have examined and understood the Mines and Minerals (Regulation and Development Act) 1957, all rules framed there under, The West Bengal Minor Mineral Concession Rules, 2016 and the West Bengal Sand Mining Policy, 2021, the EoI and all documents referred therein;
  - b. We have examined the EoI and have no reservations thereto, including any amendments issued by WBMDTCL *vide* corrigendum/ addendums from time to time.
  - c. We have not directly or indirectly or through an agent engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as defined in the EoI, in respect of any tender or empanelment or request for proposal issued by or any agreement entered into with GoWB or any other public sector enterprise or any government, central or state; and
  - d. We here by certify that we have taken steps to ensure that no person acting for us or on our behalf has engaged or will engage in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice.
  - e. We hereby certify that we are not in violation of any applicable laws.
  - f. We hereby certify that we have cleared all our statutory dues including GST and EPF as on date of this application.
10. We understand that you may cancel this process at any time and that you are neither bound to accept any application that you may receive nor to invite the applicants to submit their applications, without incurring any liability to the applicants, in accordance with the EoI.
11. We hereby irrevocably waive any right or remedy which we may have at any stage under applicable laws or howsoever otherwise arising to challenge or question any decision taken by the GoWB/ WBMDTCL in connection with the selection of the empaneled Operators, or in connection with the empanelment process itself, in respect of the EoI and the terms and implementation thereof.

In witness thereof, we submit this letter forming part of our application under and in accordance with the terms of the EoI.

Yours faithfully,

Signature & Name of the Applicant with Official Seal

Date:

Place:

## Annexure A2

### Format for Affidavit

*(To be executed on Non Judicial Stamp Paper of INR 100/- and duly notarized)*

Date:

To,

West Bengal Mineral Development & Trading Corporation Limited

3<sup>rd</sup> Floor, DJ - 10 (WBIIDC Building)

DJ Block, Sector II, Salt Lake City

Kolkata 700 091

Dear Sir,

1. I/ we hereby solemnly declare that the proprietor/ none of our directors or partners or designated partners or promoters, jointly or severally and/ or individually or our proprietary firm/ partnership firm/ company/ LLP is not presently blacklisted by the Central Government or any State Government Department/ Public Sector Undertakings/ agency/ organization in India. We do not have any order/ declaration of insolvency, judgment or order of punishment/ sentence by any court of law or any judicial/ quasi-judicial body restraining us from participating in this Empanelment Process.
2. I/ we hereby solemnly declare that all information furnished by us either in any self-certified supporting document or any other document including duly filled in Annexures in respect of fulfilment of eligibility criteria of this EOI is complete, genuine, authentic, true and valid.
3. I/ we hereby further declare that, if the declaration is found untrue at any time, WBMDTCL shall be entitled to take any action against us severally and/ or individually or our proprietary firm/ partnership firm/ company/ LLP in this regard in any manner that may be deemed fit by WBMDTCL.

Yours Faithfully,

Signature & Name of the Applicant with Official Seal



**Annexure A3**

**Format for Power of Attorney for Authorized signatory  
(Applicable for Company or LLP or Partnership Firm)**

*(To be executed on Non Judicial Stamp Paper of INR 100/- and duly notarized)*

Date:

Know all men by these presents, We \_\_\_\_\_ (name of the firm and address of the registered office) do hereby irrevocably constitute, nominate, appoint and authorize Mr/ Ms. \_\_\_\_\_, son/ daughter/ wife of \_\_\_\_\_ and presently residing at \_\_\_\_\_, holding the position of \_\_\_\_\_, as our true and lawful attorney (hereinafter referred to as the "Attorney") to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our application for West Bengal Mineral Development Corporation Limited (WBMDTCL) in connection with Notice No. \_\_\_\_\_ dated \_\_\_\_\_, including but not limited to signing and submission of all applications, and other documents, to participate in pre-application meetings and other conferences and providing information/ responses to WBMDTCL, representing us in all matters before WBMDTCL, signing and execution of all agreements and undertakings consequent to acceptance of our application, and generally dealing with WBMDTCL in all matters in connection with or relating to or arising out of our application for the said Empanelment with WBMDTCL.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE, \_\_\_\_\_, THE ABOVE NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF \_\_\_\_\_, 2022.

For

\_\_\_\_\_

Name:

Title:

Address:

(Accepted)

(Name, Title, Address of the Attorney)

WITNESS:

- 1.
- 2.

***[NOTE: It has to be noted this PoA in favour of the authorized signatory for signing the application should be supported by the Board Resolution, in case of a company or approval by the partner/ designated partner (holding majority equity) in case of partnership/ LLP empowering the signatory of PoA for signing such kind of PoA.]***

## Annexure A4

### Format Regarding Details of the Applicant

*[To be submitted on the letter head of the Statutory Auditor]*

Date:

#### A. General Information

Name of the Applicant	
Address of Registered Office / Place of Business	
Address for Correspondence	
Mobile No.	
E-mail Address	
Status of the Applicant ( Whether Company or LLP or Partnership Firm or Proprietary Firm or Individual)	
Name of the Person holding Power of Attorney for a Company or LLP or Partnership Firm as per Annexure-	
Name of the Proprietor with his/ her Present Address	
CIN of the Applicant	
Trade License No.	
PAN of the Applicant	
TAN of the Applicant	
PF Registration No.	
GST Registration No.	

Signature & Name of the Statutory Auditor with UDIN & Official Seal

Self Attested

Signature & Name of the Applicant with Official Seal

**B. Eligibility Information**

Financial Year	2018-19	2019-20	2020-21	2021-2022	2022-23	Total
Turnover of the Applicant in INR						
Cash Accrual of the Applicant in INR						
No of mining works completed						
Value of Mineral mined (other than Earth) in INR						
Quantity of Mineral mined (other than Earth) in Metric Tonne						

The applicant has cleared up to date Income Tax, GST and Employees Provident Fund payments.

Signature & Name of the Statutory Auditor with UDIN & Official Seal

Self Attested

Signature & Name of the Applicant with Official Seal

**Annexure A5**

**Format for Unutilized Credit Limit**

*[To be submitted on the letter head of the Issuing Bank]*

Date:

To,

West Bengal Mineral Development & Trading Corporation Limited  
3<sup>rd</sup> Floor, DJ - 10 (WBIIDC Building)  
DJ Block, Sector II, Salt Lake City  
Kolkata 700 091

This is to inform you that M/s \_\_\_\_\_ is maintaining Current/Savings Account No. \_\_\_\_\_ with \_\_\_\_\_ (Name of bank & Branch). Further, the applicant has unutilized credit limit of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only) together with bank balances and unpledged fixed deposits (including accrued interest, if any) as on date which can be used at any time as per the business requirement.

Date:

Place:

Signature & Name of the Authorised Signatory of the Bank with Official Seal

**Annexure C**

**Format for Queries**

<b>Sl. No.</b>	<b>Clause Ref No. &amp; Page No.</b>	<b>Existing Provision</b>	<b>Clarification Required</b>	<b>Suggested Text for Amendment if any</b>	<b>Rationale for Clarification or Amendment</b>
1.					
2.					
3.					
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