

APPENDIX - XXXIV.

SUB:- SOIL EXPLORATOR'S AND TESTING LABORATORY'S  
REGISTRATION RULES - 2001.

(17)

1. These Rules shall be known as the "Sub-Soil Explorer's and Testing Laboratory's Registration Rules and shall come into force with effect from 27.06.2001. These rules will apply to all the Wings under the Administrative Control of all Department of Government of Orissa.

2.(a) No person shall be engaged for undertaking Sub-Soil Exploration works considered necessary for Building, Bridges and Irrigation Structures, heavy foundations, loading platforms, industrial floors etc., unless he is registered as a Sub-soil Explorer in accordance with these Rules and obtains a valid certificate of Registration, in token thereof.

(b) No Laboratory should be engaged for testing of soil, sub-soil, stone products, construction materials for buildings, roads and bridge construction etc. to conform to the requirements of relevant Indian Standards unless the Laboratory is registered under these Rules and obtains a valid certificate of Registration thereof.

3. Registration under these Rules will be done by a Committee consisting of the following Officers:-

1. Engineer-in-Chief(Civil)-(R&B) Orissa.
2. Chief Engineer, Public Health, Orissa.
3. Chief Engineer, Minor Irrigation, Orissa.
4. Chief Engineer, Buildings, Orissa.
5. Chief Engineer, National Highways, Orissa.
6. Chief Engineer, Basin Manager, Lower Mahanadi Basin.
7. Chief Engineer, Rural Works-I, Orissa.
8. Chief Electrical Inspector, Orissa.

The Engineer-in-Chief(Civil) Orissa (R&B) will be the Convenor and Chairman of the Committee and he will maintain all records for the purpose. The Committee will meet not less than once in a period of three months and consider all applications for registration received during preceding months. The quorum for the meeting of officers will be five.

4.(a) Any person/Laboratory desirous of being registered as a Sub-soil Explorer and registered Testing Laboratory under these Rules shall make an application to the Engineer-in-Chief(Civil) R&B in Form-A appended hereto accompanied with a Treasury Chalan showing payment of requisite fees as indicated below:-

(i) Sub-soil Explorer	Rs.15,000.00
(ii) Testing Laboratory	Rs.15,000.00



(b) The application for registration will be submitted by the applicant alongwith Treasury Chalan showing that the registration fees of the required amount has been deposited in the Treasury under the Head of Account No. "059-Public Works". Registration fees so deposited are non refundable except when the applicant is not registered by the Authority empowered to make such Registration. 50% of the fees only can be refunded in these cases by the Engineer-in-Chief (Civil) Orissa, (R&B).

(c) Application for duplicate copy of Registration Certificate should be accompanied by a Chalan showing credit of Rs.1500/- (One thousand and five hundred) only under the Head of Accounts indicated above.

5. No person shall be registered as a Sub-Soil Explorer and no Testing Laboratory shall be registered under these Rules, unless the applicant possess the minimum Tools, Plants and equipments required for the purpose. The applicant are to enclose list of tools, plants and equipments etc. alongwith the application form. The list of Tools, Plants & Equipments submitted by the applicant for registration as Sub-Soil Explorer and Testing Laboratory should be certified by the Deputy Director, Research Development and Quality Control or by an Officer duly authorised by him.

6. The applicant desirous of enrolling themselves as registered under these rules should deposit the amount indicated below in shape of Post Office Savings Bank Account, N.S.C., K.V.P., Postal Time Deposit Account duly pledged in favour of the Engineer-in-Chief (Civil) Orissa, R&B, Bhubaneswar.

(i) Sub-soil Explorer	Rs.40,000.00
(ii) Testing Laboratory	Rs.40,000.00

7. Certificates of Registration shall remain valid for a period of 3 (three) years from the date of commencement of financial year during which they are granted and may be renewed there after for further 3 (three) yearly periods.

8.(a) The registered Sub-soil Explorer and Testing Laboratory who wishes to renew the Certificate of Registration shall apply to Registering Authority not less than one month before the expiry date of Certificate in Form-C accompanied with the Treasury Chalan showing deposit of the following fees.

(i) Sub-soil Explorer	Rs.5,000.00
(ii) Testing Laboratory	Rs.5,000.00

Renewal may be granted by endorsement of the Certificate of Registration as a matter of course unless any information has been received necessitating an enquiry in which case the Registering Authority may after such enquiry refuse renewal for reasons to be recorded in writing.



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(b) No registered Sub-soil Explorer, Testing Laboratory shall be eligible for renewal of Certificate of Registration unless he continues to possess the required Tools, Plants & Equipments to be certified by Deputy Director, Research & Quality Control and his performance is satisfactory. He has to enclose list of works executed with satisfaction duly certified by the Divisional Officer.

(c) Failure to apply renewal in time will render Sub-soil Explorer, Testing Laboratory liable to a penalty equal to the renewal fees for first 4 months of default or part thereof. Thereafter the amount of penalty will be equal to the renewal fees for every 2 months of default or part thereof.

9. The Divisional Officer or any Officer-in-Charge of Public Works should report to the Registering Authority if in their opinion any registered sub-soil Explorer, Testing Laboratory is incompetent, dishonest or his performance is unsatisfactory, has contravened any provision of contract or has misbehaved with the Department while performing the assigned duty or has otherwise forfeited his right to continue as Registered Sub-soil Explorer, Testing Laboratory. On receipt of such report, the Registering Authority may suspend or cancel the Certificate of Registration after due enquiry if:-

- (i) The Sub-soil Explorer/Testing Laboratory has intentionally violated any important conditions of the contract;
- (ii) Has no longer adequate equipments, Tools Plants;
- (iii) If declared or is in the process of being declared, bankrupt or insolvent;
- (iv) Is guilty of misconduct in connection with execution of Government works or of such conduct as is calculated to impede or results in impeding the progress of Government works;
- (v) Has failed to clear Govt. dues outstanding within a period of six months from the date of passing of final bill;
- (vi) Has persistently quoted unrealistic rate while tendering for work;
- (vii) Has given out field data which are found to be different drastically compared to the actuals in the field confirmed during further investigation/execution works;
- (viii) Has violated the provisions of Labour and Regulation of Rules;

(b) Before taking a decision to cancel the R.C. the Registering Authority, if considered necessary issue a notice to the Contractor asking him to explain his actions as to why his registration should not be cancelled.

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10. The Registering Authority shall maintain the following Registers.

1. Register of application for Registration in Form-'D'.
2. Register of Certificate of Registration in Form-'E'.
3. Register of application for renewal in Form-'F'.
4. Besides for every application for Registration a separate file shall be opened in which shall be recorded all papers relating to matters arising out of these rules.

11. The Certificate of Registration shall be granted in Form-B appended hereto. All Certificate shall be serially numbered under each category i.e. Sub-soil Explorer/Testing Laboratory. The person/Laboratory registered under these rules are not eligible to participate in execution of works other than specified for registration.

12. Any Sub-soil Explorer/Testing Laboratory who furnishes fixed security deposit of Rs.5.00 lakhs in shape of Post Office Savings Bank Account/N.S.C./K.V.P./Post Office Time Deposit Account, will be exempted from deposit of earnest money at the time of Tender and initial security deposit at the time of award of work. The fixed deposit should be pledged and lodged with the Engineer-in-Chief (Civil) R&B, Orissa. The earnest money deposit and initial security deposit in all other cases be made in Post Office Savings Bank Account/N.S.C./K.V.P./Post Office Time Deposit Account duly pledged to the competent authority to accept the tender.

Any officer competent to forfeit the security money may order for forfeiture of the same either in full or in part where upon the Registering Authority on receipt of such information forfeit the same and pass on the credit to the concerned office. Simultaneously the fact of such forfeiture shall be communicated to all concerned Divisions, Circles, Offices and a call of the like amount shall be made upon the concerned Sub-soil Explorer/Testing Laboratory. After the Sub-soil Explorer/Testing Laboratory has replenished the fixed deposit, all concerned Divisions/Circles Offices shall be informed about the fact without delay.

The Sub-soil Explorer/Testing Laboratory who have made fixed deposit will not be required to pay any earnest money or initial security deposits but deduction @ 5% of the gross amount of each bill will be effected from their bills.

Such Sub-soil Explorer/Testing Laboratory who have no fixed deposit with Government should pay 1% as earnest money at the time of submitting Tender and 1% as initial security at the time of acceptance of Tender. In addition deduction of @ 5% of gross amount of each bill will be effected from their bills. Thus the total security deposit from the Sub-soil Explorer/Testing Laboratory having no fixed deposits will be 7%



The percentage for earnest money deposit should be calculated on the estimated cost of the work and the initial security will be of such amount as would together with the money make 2 percent of the work as per the accepted tender. Should the actual cost as per the accepted tender the amount to be recovered from the bills of the Contractor will be such as to make together with the deposits already realised an amount equal to the prescribed percentage on the actual cost of the work executed.

Security deposit of contractors for each work will be refunded in accordance with the following procedure regard being had to the provision of rule 279 of the Orissa General Financial Rule Volume-1.

(i) In case of Sub-soil  
Exploration;

Full refund is to be made 3 months after the date of completion provided final bill has been paid and defect/errors if any rectified.

(ii) Testing Laboratory;

Full refund is to be made after 4 months from the date of completion provided final bill has been paid defect/errors if any rectified.

In cases, however, where refund of security deposit is delayed for non-payment of final bill the two percent of the security deposit recovered as earnest money and initial security may be refunded and the balance of the deposit may be refunded after the payment of the final bill.