

WEST BENGAL HOUSING INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED

(A Government of West Bengal Undertaking)

HIDCO BHABAN, Premises No.35-1111, Near 3rd Rotary, New Town, Kolkata-700156.

Memo. No. 96/G.M.(Elect)/HIDCO/e-NIT-39(2nd Call)/2021-2022

Dated: 02.03.2022

Notice Inviting e-Tender No.HIDCO/GM(Elec)_eNIT-39(2nd Call)/2021-2022of The General Manager (Elect), WBHIDCO.The General Manager (Electrical) invites two part online Item Rate Tender including of all taxes, liabilities,duties, etc. for the work as appended below. No private credential will be allowed.

List of Schemes:

Sl. No	Name of the work (1)	Estimated Amount (Rs.) (2)	Earnest Money (Rs.) (3)	Price of Technical & Financial Bid documents and other annexures (Rs.) (4)	Period of Completion (5)	Name of the Concerned Officer (6)	Eligibility of Contractor (7)
1.	"Providing Passenger and service Lift for Alipur Correctional Home under WBHIDCO."	Agency has to quote	Earnest Money INR. 1,50,000. 00 (Rupees One Lakh fifty Thousand only) to be deposited online through e-tender portal payment gateway. Intending bidder will get the beneficiary details from e-tender portal with the help of digital certificate. Bidders are requested to submit EMD of their bid online at least 03 (three) working days before the last date of bid submission. in favour of WBHIDCO Ltd. Balance amount covering 2% of the quoted amount to be submitted in Bank draft at the time of making agreement by the successful bidder..	N.A.	60(Sixty) days from the date of Work Order.	General Manager (Elect) WBHIDCO	1. Applicant having adequate experience in similar nature of work/ E.I. /Street light Worak in Govt. / Semi Govt. / Govt Undertaking / PSU with appropriate certificate of completion in support of single work of 30 Lakh quoted rate or 2 no's similar nature of completed work each of the minimum value of 20 Lakh within last five years.2.Valid GST / PT Certificate with latest Challan,Income Tax Return for last financial year-20-21 (if not available 19-20 maybe submitted) with 'PAN Card" along with audited balance sheet of the firm for last financial year. 3.Credit worthiness certificate not less than 1/3 rd of the quoted value issued by any Nationalised / Scheduled bank against the tender. 4.Having valid electrical contractors license in favour of the company with supervisor having certificate of competency in parts 1,2,4,9 & 11 from Govt. Licensing Authority. 5.EMD & other physical document will be received after declaration of L1. Only L1 with LOI to submit hard copy. 6. EPF & ESI Registration with latest challan must have to be uploaded

- In the event of e-filing, intending bidder may download the tender documents from the website <http://etender.wb.nic.in> directly with the help of Digital Signature Certificate. Earnest Money Demand Draft / Pay Order issued from any Nationalised bank in favour of the **"WBHIDCO Ltd." payable at KOLKATA** to be documented through e-filing.
- Both **Technical Bid** and **Financial Bid** are to be submitted concurrently duly digitally signed in the website <http://etender.wb.nic.in>
- Tender documents may be downloaded from website and submission of Technical Bid and Financial Bid will be done as per Time Schedule stated in Sl. No. 21.

4) The **FINANCIAL OFFER** of the prospective tenderer will be considered only if the **TECHNICAL BID** of the tenderer is found qualified by the 'Tender Evaluation Committee' formed by the authority of WB HIDCO Ltd. The decision of the 'Tender Evaluation Committee' will be final and absolute in this respect. The list of Qualified Bidders will be displayed in the website.

5) **Eligibility criteria for participation in the tender.**

1) As detailed in NIT

6) Income Tax Return for the latest Financial year, P.T. Deposit Challan for the March, 2022, Pan Card, GST Registration Certificate are to be accompanied with the Technical Bid Documents.

[Non-statutory documents]

7) The prospective bidders or any of their constituent partner shall neither have abandoned any work nor any of their contract have been rescinded during the last 5 (*five*) years. Such abandonment or rescission will be considered as disqualification towards eligibility. (A declaration in this respect through affidavit has to be furnished by the prospective bidders without which the Technical Bid shall be treated as non-responsive.)

8) In case of Proprietorship, Partnership Firms and Company, Tax Audit Report in 3CD Form are to be furnished along with the Balance Sheet and Profit and Loss Account, and all the documents along with schedules forming the part of Balance Sheet and Profit & Loss Account should be in favour of applicant.

[Non-statutory documents]

9) Registered Partnership Deed for Partnership Firm only along with Power of Attorney is to be submitted. The company shall furnish the Article of Association and Memorandum.

[Non-statutory documents]

10) **Joint Ventures will not be allowed.**

11) Agency only having valid documents as per check list will upload the documents. Any act. of uploading invalid documents to disturb the tendering process will be viewed administratively & legally.

12) A prospective bidder shall be allowed to participate in a particular job either in the capacity of individual or as a partner of a firm. If found to have applied severally in a single job, all his applications will be rejected for that job, without assigning any reason thereof.

13) **No mobilisation advance and secured advance will be allowed.**

14) **Security Deposit:**

Retention money towards Security deposit @3% on gross payment 1% (*One percent*) of the value of the work shall be deducted from the running account bill and 2% for EMD as per prevailing order. No interest will be paid on Security Deposit.

15) Agencies shall have to arrange land for erection of Plant & Machineries, storing of materials, labour shed, laboratory etc. at their own cost and responsibility.

16) All materials required for the proposed work shall be of specified grade in conformity with relevant code of practice (latest revision) accordingly and shall be procured and supplied by the agency at their own cost including all taxes. If required by the Engineer-in-Charge, further testing from any Government approved Testing Laboratory shall have to be conducted by the agency at their own cost.

17) Constructional Labour Welfare CESS @ 1% (*one percent*) of cost of construction will be deducted from every Bill of the selected agency. There shall be no provision of Arbitration.

18) Bid shall remain valid for a period not less than 120 (*one hundred twenty*) days from the last date of submission of Financial Bid / Sealed Bid. If the bidder withdraws the bid during the validity period of bid, the earnest money as deposited will be forfeited forthwith without assigning any reason thereof.

19) **The Quantity mentioned in BOQ is tentative, it may vary as per actual site condition according to the instruction of EIC.**

20) **TERMS OF PAYMENT:**

Payment will be made as per clause No. 7 of 2911 and satisfactory performance certificate issued by E.I.C.

21) **Date and Time Schedule:**

Sl. No.	Particulars	Date & Time
1	Date of uploading of N.I.T. & other Documents (online) (Publishing Date)	02.03.2022 AT 06.00 PM
2	Documents download/sell start date (Online)	02.03.2022 after 06.00 PM
3	Documents download/sell end date (Online)	14.03.2022 at 06:00 PM
4	Prebid meeting to be held at Office of the General Manager- Electrical ,HIDCO BHABAN	04.03.2022 at 02.00 PM
5	Bid submission start date (On line)	02.03.2022 after 06.00 PM

6	Bid Submission closing (On line)	14.03.2022 at 06:00 PM
7	Bid opening date for Technical Proposals (Online)	17.03.2022 after 11:00 AM
8	Date of uploading list for Technically Qualified Bidder(online)	To be notified later
9	Date of uploading the final list of Technically Qualified Bidder(online) after disposal of appeals, if any.	To be notified later
10	Date for opening of Financial Proposal (Online)	To be notified later

- 22) The quantity of each and individual items may vary in either side according to the actual site condition and/or subsequent augmentation of the site. Payment would be made on the basis of actual quantity supplied on either side without any price escalation.

Refund of Security Deposit will be made after one year from the date of Completion of Work. Provision in Clause No. 17 of Form No. 2911(ii) shall be treated as superseded.

- 23) Site of work and necessary drawings may be handed over to the agency phase wise. No claim in this regards will be entertained.
- 24) Earnest Money: The **Earnest Money of Rs. 1,50,000.00** to be deposited in the form of Bank Draft/Pay Order from any **Nationalised/Scheduled Bank** in favour of WBHIDCO Ltd. payable at Kolkata.
- 25) The Bidder, at his own responsibility and risk is encouraged to visit and examine the site of works and its surroundings and obtain all informations that may be necessary for preparing the Bid and entering into a contract for the work as mentioned in the Notice Inviting Tender, before submitting offer with full satisfaction, the cost of visiting the site shall be at his own expense.
- 26) The intending Bidders shall clearly understand that whatever may be the out come of the present invitation of Bids, no cost of Bidding shall be reimbursable by the Department. The tender accepting authority of WBHIDCO Ltd. reserves the right to accept or reject any offer without assigning any reason whatsoever and is not liable for any cost that might have been incurred by any Tenderer at the stage of Bidding.
- 27) Failure to submit hard copy with the acceptance letter with the time period prescribed for this purpose may be construed as an attempt to disturb the tendering process and dealt with accordingly legally including black listing of the bidder.
- 28) Prospective applicants are advised to note carefully the minimum qualification criteria as mentioned in '**Instructions to Bidders**' stated in Section – 'A' before tendering the bids.
- 29) **Conditional / Incomplete tender will not be accepted under any circumstances.**
- 30) **The intending tenderers are required to quote the rate *online*.**
- 31) Contractor shall have to comply with the provisions of (a) the Contract Labour (Regulation Abolition) Act. 1970 (b) Apprentice Act. 1961 and (c) Minimum Wages Act. 1948 of the notification thereof or any other laws relating there to and the rules made and order issued there under from time to time.
- 32) During scrutiny, if it comes to the notice of the tender inviting authority that the credential or any other paper found incorrect / manufactured / fabricated, that bidder would not be allowed to participate in the tender and that application will be rejected without any prejudice.
- 33) The General Manager(Elect), WBHIDCO reserves the right to cancel the N.I.T. due to unavoidable circumstances and no claim in this respect will be entertained.
- 34) If there be any objection regarding prequalifying the Agency that should be lodged on line to the Chairman of Tender Evaluation Committee within 2 (two) days from the date of publication of list of qualified agencies and beyond that time schedule no objection will be entertained by the Tender Evaluation Committee.
- 35) Before issuance of the WORK ORDER, the tender inviting authority may verify the credential and other documents of the lowest tenderer if found necessary. After verification if it is found that the documents submitted by the lowest tenderer is either manufactured or false in that case work order will not be issued in favour of the said Tenderer under any circumstances.
- 36) If any discrepancy arises between two similar clauses on different notification, the clause as stated in later notification will supersede former one in following sequence:
- 1) Form No. 2911(ii)
 - 2) N.I.T.
 - 3) Special Terms & Conditions
 - 4) Technical Bid
 - 5) Financial Bid
 - 6) General Terms & Conditions
- 38) The intending Bidder are instructed to attend the prebid meeting to discuss the matter relates to any dispute/proposal with proper documents whatsoever. No dispute/proposal or objection regarding technical specification would be entertained after the prebid meeting.
- 39) Escalation of Price on any ground and consequent cost over run shall not be entertained under any circumstances. Rates should be quoted accordingly
- 40) **Qualification criteria:**

The tender inviting and Accepting Authority through a "Tender Evaluation Committee" will determine the eligibility of each bidder. The bidders shall have to meet all the minimum criteria regarding:

- 1) Financial Capacity (Bank Solvency Certificate)
- 2) Technical Capability comprising of personnel & equipment capability
- 3) Experience / Credential

The eligibility of a bidder will be ascertained on the basis of the document(s) in support of the minimum criteria as mentioned in (1), (2) & (3) above and the declaration executed through prescribed affidavit in non-judicial stamp paper of appropriate value duly notarized. If any document submitted by a bidder is either manufactured or false, in such cases the eligibility of the bidder / tenderer will be rejected at any stage without any prejudice.

41) Dealer Authorisation Certificate should be issued by the holder of Power of Attorney of the Company/manufacturers.

42) **No. price preference and other concession as per order no. 1110F dated: 10/02/2006 will be allowed.**

43) **The address for communication and e-mail of the contract person are as follows:-**

General Manager (Elect.)
HIDCO BHABAN
Premises No.35-1111 Biswa Bangla Sarani
New town.Kolkata-700156
Phone No. (033)2324 6024
Email id: gm.electrical@wbhidco.in

General Manager (Elect)

WB HIDCO.

Memo. No. 96/G.M.(Elect)/HIDCO/e-NIT-39(2nd Call)/2021-2022

DATE: 02.03.2022

Copy forwarded for information to:-

- 1) The E.I.C. WB HIDCO.
- 2) The Joint Managing Director WBHIDCO.
- 3) The Chief Engineer (Electrical), WBHIDCO
- 4) The Chief Engineer (Civil), WBHIDCO
- 5) The The Chief Finance Officer, WBHIDCO
- 6) Sr Accountant to GM(Elect.),WBHIDCO
- 7) The Assistant Engineer (Elect.), WBHIDCO
- 8) Notice Board HIDCO BHABAN

General Manager (Elect)
WB HIDCO

SECTION - A
INSTRUCTION TO BIDDERS

General guidance for e-Tendering:

Instructions / Guidelines for electronic submission of the tenders have been annexed for assisting the contractors to participate in e-Tendering.

a. Registration of Contractor:

Any contractor willing to take part in the process of e-Tendering will have to be enrolled & registered with the Government e-Procurement System, through logging on to <https://etender.wb.nic.in> (the web portal of WBHIDCO the contractor is to click on the link for e-Tendering site as given on the web portal.

b. Digital Signature certificate (DSC):

Each contractor is required to obtain a Class-II or Class-III Digital Signature Certificate (DSC) for submission of tenders from the approved service provider of the National Informatics Centre (NIC) on payment of requisite amount. Details are available at the Web Site stated in Clause A.1. above. DSC is given as a USB e-Token.

c. The contractor can search & download N.I.T. & Tender Document(s) electronically from computer once he logs on to the website mentioned in Clause A.1. using the Digital Signature Certificate. This is the only mode of collection of Tender Documents.

d. Participation in more than one work:

A prospective bidder shall be allowed to participate in the job either in the capacity of individual or as a partner of a firm. If found to have applied severally in a single job all his applications will be rejected for that job.

e. Submission of Tenders:

Tenders are to be submitted through online to the website stated in Clause A.1. in two folders at a time for each work, one in Technical Proposal & the other is Financial Proposal before the prescribed date & time using the Digital Signature Certificate (DSC). The documents are to be uploaded virus scanned copy duly Digitally Signed. The documents will get encrypted (transformed into non readable formats).

Technical Proposal:

The Technical proposal should contain scanned copies of the following in two covers (folders).

(a) Statutory Cover Containing the following documents:

1) PREQUALIFICATION DOCUMENTS:

- Prequalification Application (Sec-B, Form – I)
- Demand Draft towards Earnest Money (EMD) as prescribed in the N.I.T. against each of the serial of work in favour of the WBHIDCO LTD.

2) HIDCO 2911

3) Tender Document

4) N.I.T.

(NIT, Tender Document and 2911 downloaded properly and upload the same Digitally Signed). **The rate will be quoted in percentage basis in B.O.Q. the percentage rate will be encrypted in the B.O.Q. under Financial Bid. In case quoting any rate in HIDCO 2911, the tender is liable to be summarily rejected.**

5) TECHNICAL DOCUMENTS

(a)

- Affidavit [Ref. Format]
- Experience profile [Form No-IV] Section B.

(b) Non-statutory Cover Containing the following documents:

- i. Professional Tax (PT) deposit receipt challan for March, 2022 Pan Card, IT Return for Financial year-2020-21, GST Registration Certificate.
 - ii. Registration Certificate under Company Act. (if any).
 - iii. Registered Deed of partnership Firm / Article of Association & Memorandum.
 - iv. Power of Attorney (For Partnership Firm / Private Limited Company, if any).
 - v. Balance Sheet for last 2 (two) years (year just preceding the current Financial Year will be considered as year – I)
 - vi. List of machineries possessed by own / arranged through lease hold agreement along with authenticated copy of invoice, challan & waybill [Ref.:- Sl. No. 5(viii) of this N.I.T. and (Section –B, Form IV)]
 - vii. List of Technical staffs along with structure & organization (Section – B, Form – III).
 - ix) For Registered Unemployed Engineers' Co-operative Societies and Registered Labour Co-operative Societies having Credential for completion of at least one similar nature of work under the authority of State / Central Government, statutory bodies under State / Central Government constituted under the statute of the State / State Government having a magnitude of 50% (Fifty *percent*) of the Quoted amount put to tender during the last 3 (*three*) years prior to the date of issue of this N.I.T. is to be furnished. [Ref. Sl. No. 5(i) & 7 of this NIT and (Section – B, Form – V)]. Scanned copy of Original Credential Certificate as stated in Sl. No. 5.(i). of N.I.T.
- i. N.B.:Failure of submission of any of the above mentioned documents as stated in Sl. No. A.5.(a). and Sl. No. A.5.(b). will render the tenderer liable to be rejected for both statutory & non statutory cover.

**THE ABOVE STATED NON-STATUTORY/TECHNICAL DOCUMENTS
SHOULD BE ARRANGED IN THE FOLLOWING MANNER**

Click the check boxes beside the necessary documents in the My Document list and then click the tab “ Submit Non Statutory Documents’ to send the selected documents to Non-Statutory folder.

Next Click the tab “ Click to Encrypt and upload” and then **click** the “Technical” Folder to upload the Technical Documents.

Sl. No.	Category Name	Sub-Category Description	Detail(s)
A.	Certificate(s)	Certificate(s)	GST Registration Certificate & Acknowledgement. PAN. P Tax (Challan) (March,2022). Latest IT Receipt. IT-Return for Financial year 2020-21, if not available Financial year-19-20 maybe submitted. .EPF & ESI Registration with latest challan has to be uploaded.
B.	Company Detail(s)	Company Detail	Proprietorship Firm (<i>Trade License</i>) Partnership Firm (<i>Partnership Deed, Trade License</i>) Ltd. Company (<i>Incorporation Certificate, Trade License</i>) Society (<i>Society Registration Copy, Trade License</i>) Power of Attorney, Memorandum of Association and Articles of Association of the Company.
C.	Credential	Credential -1 Credential -2	Similar nature of work done & completion certificate which is applicable for eligibility in this tender as per Form –IV Section –B.
D	Financial Info		Balance Sheet & Profit & Loss A/c. for the last financial year
E.	Equipment	Machineries	Authenticated copy as per Form – III, Section-B.

1) Tender Evaluation Committee (TEC)

Evaluation Committee constituted by the Competent Authority of WBHIDCO LTD will function as Evaluation Committee for selection of technically qualified contractors.

2) Opening & evaluation of tender:

If any contractor is exempted from payment of EMD, copy of relevant Government Order needs to be furnished.

3) Opening of Technical Proposal:

Technical proposals will be opened by the Concerned Tender Inviting Authority or his authorized representative electronically from the website using their Digital Signature Certificate (DSC).
Intending tenderers may remain present if they so desire.

4) Cover (folder) for Statutory Documents (Ref. Sl. No. A.6.(a) will be opened first and if found in order, cover (folder) for Non-Statutory Documents (Ref. Sl. No. A.6 (b) will be opened. If there is any deficiency in the Statutory Documents the tender will summarily be rejected.

5) Decrypted (transformed into readable formats) documents of the non-statutory cover will be downloaded & handed over to the Tender Evaluation Committee.

Summary list of technically qualified tenderers will be uploaded online.

- 6) Pursuant to scrutiny & decision of the Tender Evaluation Committee the summary list of eligible tenderers & the serial number of work for which their proposal will be considered will be uploaded in the web portals.
- 7) During evaluation the committee may summon of the tenderers & seek clarification / **information or original hard copy of any of the documents already submitted & if these are not produced within the stipulated time frame, their proposals will be liable for rejection.**

1. **Financial Proposal**

The financial proposal should contain the following documents in one cover (folder) i.e. Bill of Quantities (BOQ). The contractor is to quote the rate (**inclusive of all taxes as applicable**) online through computer in the space marked for quoting rate in the BOQ. Only downloaded copies of the above documents are to be uploaded virus scanned & Digitally Signed by the contractor.

Financial capacity of a bidder will be judged on the basis of information furnished in Section - B.

Penalty for suppression / distortion of facts:

If any tenderer fails to produce the original hard copies of the documents like Completion Certificates and any other documents on demand of the Tender Evaluation Committee within a specified time frame or if any deviation is detected in the hard copies from the uploaded soft copies, it may be treated as submission of false documents by the tenderer and action may be referred to the appropriate authority for prosecution as per relevant IT Act.

2. **Rejection of Bid:**

Employer reserves the right to accept or reject any Bid and to cancel the Bidding processes and reject all Bids at any time prior to the award of Contract without thereby incurring any liability to the affected Bidder or Bidders or any obligation to inform the affected Bidder or Bidders of the ground for Employer's action.

3. **Award of Contract**

The Bidder whose Bid has been accepted will be notified by the Tender Inviting & Accepting Authority through acceptance letter / Letter of Acceptance.

The notification of award will constitute the formation of the Contract.

The Agreement in Form No. 2911(ii) will incorporate all agreements between the Tender Accepting Authority and the successful bidder. All the tender documents including N.I.T. & B.O.Q. will be the part of the contract documents. After receipt of Letter of Acceptance, the successful bidder shall have to submit requisite copies of contract documents downloading from the website stated in Sl. No. 1 of N.I.T. along with requisite cost through Demand Draft / Pay Order issued from any Nationalised bank in favour of the WB HIDCO LTD within time limit to be set in the letter of acceptance.

SECTION – B
FORM – I
PRE-QUALIFICATION APPLICATION

To
General Manager (Elect), WB HIDCO
HIDCO BHABAN,
4th FLOOR, NEW TOWN,
KOLKATA.

Ref : **Tender for : "Providing Passenger and service Lift for Alipur Correctional Home under WBHIDCO."**

e-N.I.T. No:-WBHIDCO/GM(Electrical)/e-NIT-39(2nd Call)/2021-2022

Dear Sir,

Having examined the Statutory, Non-statutory & N.I.T. documents, I /we hereby submit all the necessary information and relevant documents for evaluation.

The application is made by me / us on behalf of in the capacity duly authorized to submit the order.

The necessary evidence admissible by law in respect of authority assigned to us on behalf of the group of firms for Application and for completion of the contract documents is attached herewith.

We are interested in bidding for the work(s) given in Enclosure to this letter.

We understand that:

- 1) Tender Inviting & Accepting Authority / Engineer-in-Charge can amend the scope & value of the contract bid under this project.
- 2) Tender Inviting & Accepting Authority / Engineer-in-Charge reserve the right to reject any application without assigning any reason.

Enclosure(s): e-Filing:-

- 1) Statutory Documents.
- 2) Non Statutory Documents.

Date:

Signed by an authorized officer of the firm.

Title of the officer

Name of the Firm with Seal

Date:

SECTION – B

AFFIDAVIT – “Y”

(To be furnished in Non – Judicial Stamp paper
of Rs.100.00 (One Hundred only) duly notarized)

- 1) I, the under-signed do certify that all the statements made in the attached documents are true and correct. In case of any information submitted proved to be false or concealed, the application may be rejected and no objection/claim will be raised by the under-signed.
- 2) The under-signed also hereby certifies that neither our firm M/S nor any of constituent partner had been debarred to participate in any tender by any Govt. Organization / Undertaking during the last 5 (five) years prior to the date of this **e- N.I.T.-39(2nd Call)/2021-2022 of General Manager (Elect)**
- 3) The under-signed would authorize and request any Bank, person, Firm or Corporation to furnish pertinent information as deemed necessary and/or as requested by the Department to verify this statement.
- 4) The under-signed understands that further qualifying information may be requested and agrees to furnish any such information at the request of the Department.
- 5) Certified that I have applied in the tender in the capacity of individual/ as a partner of a firm and I have not applied severally for the same job.

Signed by an authorized officer of the firm.

Title of the officer

Name of the Firm with Seal

Date: -----

SECTION – B
FORM – III
STRUCTURE AND ORGANISATION

1) Name of Applicant :

2) Office Address :

Telephone No. :

Fax No. :

3) Name and Address of Bankers :

4) Attach an organization chart showing the structure of the company with names of Key personnel and technical staff with Bio-data. :

Note: Application covers Proprietary Firm, Partnership, Limited Company or Corporation.

Signature of applicant including title and capacity in which application is made.

SECTION – B

FORM – IV

Experience Profile

Name of the Firm:

List of projects completed that are similar in nature to the works to be provided as mentioned in NIT during the last 5 (*five*) years.

Name of Employer	Name, Location & nature of work	Name of Consulting Engineer responsible for supervision	Contract price in Indian Rs.	Percentage of Participation of company	Original Date of start of work	Original Date of completion of work	Actual Date of starting the work	Actual Date of completion of work	Reasons for delay in completion (if any)

Note:

- 1) Certificate from the Employers to be attached
- 2) Non-disclosure of any information in the Schedule will result in disqualification of the firm

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Signature of applicant including title and capacity in which application is made.