

Government of Odisha
Works Department

Office Memorandum

File No.07556900042013 (Pt-IV) - 12366

W, Dated. 8.11.2013

Sub:-Amendment of Codal / Contractual provisions.

After careful consideration Government have been pleased to make amendment to contractual and codal provisions for increasing the efficiency and transparency of Department dealing with infrastructure development of the State as per Annexure- I, II, III, IV, V, VI & VII .

1. These amendments shall take effect from the date of issue of the order.
2. Accordingly, relevant existing codal/ contractual provision stands modified with effect from the date of issue of this O.M.
3. This has been concurred in by Finance Department in their UOR No.157-WF-I dt.17.5.2012.

Solanki
8/11/13
EIC - cum- Secretary to Government

Memo No. 12367

W, Dated. 8.11.2013

Copy forwarded to P. S. to Hon'ble Chief Minister, Odisha for information and necessary action.

Jain
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12368

W, Dated. 8.11.2013

Copy forwarded to OSD to Chief Secretary, Odisha/ P.S. to Development Commissioner- cum-Additional Chief Secretary, Odisha for information and necessary action.

Jain
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12369

W, Dated. 8.11.2013

Copy forwarded to All Departments / Managing Director, OB & CC Ltd., Bhubaneswar / Managing Director, OCC Ltd., Bhubaneswar for information and necessary action.

Jain
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12370 W, Dated. 8.11.2013

Copy forwarded to All Chief Engineers, Odisha / All Superintending Engineers / All executive Engineers (under Works Department) for information and wide circulation among subordinate offices.

Jalabadi
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12371 W, Dated. 8.11.2013

Copy forwarded to the Accountant General (A&E), Odisha, Bhubaneswar/ Accountant General, Odisha, Puri Branch, Puri for information and necessary action.

Jalabadi
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12372 W, Dated. 8.11.2013

Copy forwarded to the Head, State Portal Group, IT Centre, Ground Floor, North Annexe of Secretariat for information and necessary action.

He is requested to display it in the web-site of State Government.

Jalabadi
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12373 W, Dated. 8.11.2013

Copy forwarded to the Director, Printing, Stationary & Publication, Orissa, Cuttack for information and necessary action.

He is requested to publish it in the next issue of Orissa Gazette.

Jalabadi
8/11/2013
FA - cum- Addl. Secretary to Government

Memo No. 12374 W, Dated. 8.11.2013

Copy forwarded to A/C-I Section / A/C-II Section / Road Section / Plan Section / Building Section / Budget Section / N.Hs. Section / FC & AA Section / PPP Cell / EAP Cell, Works Department for information and necessary action.

Jalabadi
8/11/2013
FA - cum- Addl. Secretary to Government

Annexure- I

1) Amendment to Para-3.4.16 (a) (vii) of OPWD Code, Vol-I by substitution

Note- (vii) - For the purpose of estimate, the approved quarry lead is to be provided judiciously. Engineers in charge would be responsible for ensuring the quality of the materials supplied. The contractors would, however, be responsible for procurement of materials from authorised sources and voluntarily disclose the source of procurement for the purpose of billing. Besides, the bidder would be required to submit the details of quarry for procurement while submitting the bids.

Annexure- II

2) Amendment to Para-3.5.14 Note-I of OPWD Code, Vol-I by inclusion

Note-I- If L1 bidder does not turn up for agreement after finalization of the tender, then he shall be debarred from participation in bidding for three years and action will be taken to blacklist the contractor. In that case, the L2 bidder, if fulfils, other required criteria would be called for drawing agreement for execution of work subject to the condition that L2 bidder negotiates at par with the rate quoted by the L1 bidder otherwise the tender will be cancelled. In case a contractor is black listed, it will be widely publicised and intimated to all departments of Government and also to Govt. of India agencies working in the state.

Annexure- III

3) Amendment to Appendix- IX ,Clause-36 of OPWD Code, Vol-II by inclusion

Clause No- 36- If the rate quoted by the bidder is less than 15% of the tendered amount, then such a bid shall be rejected and the tender shall be finalized basing on merits of rest bids. But if more than one bid is quoted at 14.99% (Decimals up to two numbers will be taken for all practical purposes) less than the estimated cost, the tender accepting authority will finalize the tender through a transparent lottery system, where all bidders/their authorised representatives, the concerned Executive Engineer and DAO will remain present.



Annexure- IV

4) (A) Amendment to Para-3.5.5 (V) Note-II of OPWD Code, Vol-I by substitution

Note- (II) - When the bid amount is up to 10% less than the estimated cost, no additional performance security is required to be deposited. When the bid amount is less than the estimated cost by more than 10% and within 15%, in such an event, the successful bidder will deposit the additional performance security to the extent of 1.5 times of the differential cost of the bid amount and 90 % of the estimated cost.

(B)- Amendment to Para-3.5.5 (V) Note-III of OPWD Code, Vol-I by inclusion –

Note-III- For availing incentive clause in any project which is completed before the stipulated date of completion, subject to other stipulations it is mandatory on the part of the concerned Executive Engineer to report the actual date of completion of the project as soon as possible through fax or e-mail so that the report is received within 7 days of such completion by the concerned SE,CE & the Administrative Department. The Incentive for timely completion should be on a graduated scale of one percent to 10 percent of the contract value. Assessment of incentives may be worked out for earlier completion of work in all respect in the following scale.

Before 30% of contract period =10% of Contract Value
Before 20 to30% of contract period=7.5% of Contract Value
Before 10 to 20% of contract period=5% of Contract Value
Before 5 to 10% of contract period=2.5% of Contract Value
Before 5% of contract period=1% of Contract Value

Annexure- V

5) Amendment to Para-3.2.8 Note-II of OPWD Code, Vol-I by inclusion

Note-II- In case of tender accepted below schedule of rate , the tender amount excluding centages shall be treated as sanctioned amount and allotment will be limited to that extent .Any deviation in scope of work affecting the agreement amount in such an agreement will be governed by the relevant provisions of OPWD Code.

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Annexure- VI

6) Amendment to Appendix- XXX ,(Bills) Clause 21 of OPWD Code, Vol-II & to the Clause-6 of F2 contract

Bills- Clause -21- For works above values Rs 5.00 lakh in civil works and work value above Rs 1.00 lakh in electrical/PH works the J.E.s & A.E.s will be required to submit bill for each on going work on 20th or next working day of every month to the concerned EE. The E.E. on receipt of the bill will take steps for payment of the same by 30th or the next working day during the month. The E.E. in charge of the Division will furnish a certificate to the chief engineer with copy to the concerned SE that the bills for all on going months have been paid failing action will be initiated against the erring officer."

Annexure- VII

7) Amendment to Para-3.5.18 Note-VIII of OPWD Code, Vol-I

Note-VIII- Before acceptance of tender, the successful bidder will be required to submit a work programme and milestone basing on the financial achievement so as to complete the work within the stipulated time and in case of failure on the part of the agency to achieve the milestone liquidated damage will be imposed.

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