



GOVERNMENT OF ODISHA

DEPARTMENT OF WATER RESOURCES

File No.20562400632020 Letter No. 699  
(IIM-64/2020)

Dated. 7/1/2021

From

Sri B.K. Behera, OFS (SSG),

FA-cum-Special Secretary to Govt.

To

The EIC, Water Resources,

The EIC, P & D,

All Chief Engineers and Basin Managers,

All Chief Engineers,

All Chief Construction Engineers,

M.D., OCC Ltd.,

M.D., OLIC,

Sub:- For taking follow up action on the Observation and decision of the Committee held on 12-10-2020 and 20-10-2020.

Sir,

I am directed to enclose herewith the copy of the Proceedings of the TC-Cum-EC dated 12-10-2020 and Committee dated 20-10-2020 on (i) Evaluation & submission of tender proposals (ii) Delay in submission of proposals to Govt. for approval (iii) EOT application (iv) preparation of realistic estimate for avoidance of deviations (v) Basis of imposing of penalty in EOT/Deviation (vi) Reasons for sanction of EOT (attributable to the agency/not attributable to the agency) & (vii) Application of EOT as per Codal provision for taking follow up action by the field officials.

Encl:- Copy of the proceeding dated 12-10-2020 and 20-10-2020.

Yours faithfully,

FA-Cum-Special Secretary to Govt.

7/1/2021



Your Signature will appear here.



PROCEEDINGS OF THE MEETING ON TENDER RELATED MATTERS OF DEPARTMENT OF WATER RESOURCES HELD ON 20-10-2020 AT 3.30 PM (THROUGH VIRTUAL CONFERENCE).

As per the discussion of the TC-Cum-EC held on 12-10-2020, it was decided to examine the genuineness of reasons of EOT, penal provision on delay in completion etc. by a Committee. Accordingly, a Committee was formed vide DOWR letter No.19007 dated 19-10-2020 (IIM-64/2020). The Committee Members discussed the following agenda in its meeting held on 20-10-2020.

**Agenda:-**

- (i) Basis of imposing of penalty in EOT / Deviation.
- (ii) Reasons of hindrances for sanction of EOT (attributable to the agency / not attributable to the agency).
- (iii) Application of EOT as per Codal Provision (Para 3.5.30 of OPWD Code).
- (iv) M/s OCC Ltd. shall be declared as ideal contractor in respect of execution of work, maintaining time and quality.

**The observation/decision of the Committee is as under:-**

- (i) **Basis of imposing of penalty in EOT / Deviation.**

It has come to the notice of Government that proposals for grant of Extension of Time (EoT) are received on flimsy grounds. This has resulted in further grant of Escalation and Differential cost of Cement and Steel to the Contractors involving huge sums of money.

There are other irregularities in Tender & Contract Management such as, acquisition of land, canal closure programme etc, which are also hampering execution of project works and ultimately resulting in time and cost overrun. The matter has been discussed and the members stated that the works are being completed with reasons attributable to the agencies and works are to be closed for regularisation of the contract. In some cases the agencies are leaving the works in incomplete stage and the work has to be closed due to some reasons or other. In such cases following decisions are taken by the Committee:-

1. In case of completion of the work in all respect, the EOT may be granted with imposition of penalty amounting to 0.2% (amount to be rounded off to the next higher value of Rs.100/-) of the value of works executed during the extended period (EOT period), subject to Minimum penalty of Rs.10,000/-.

2. In case of incomplete works/ to rescind the contract, the contract to be closed as per the provision contained in Clause-2(b) of F2 agreement, 20% of the value of left-over work will be realised from the Contractor as penalty.



*The suggestions/recommendations of the CE/CCE with respect to imposition of penalty is to be examined by the Technical Committee of EIC, W.R. and considered views may be forwarded to Government for necessary action.*

(ii) **Reasons of hindrances for sanction of EOT (attributable to the agency / not attributable to the agency).**

• **Reasons of hindrances for sanction of EOT attributable to the agency**

1. The local festivals like Makar Sankranti, Raja Sankranti, Chaiti Parba, Danda Nata or any such festivals which may affect the work schedule.
2. In the peak summer season, working hour is curtailed by the Labour Department to avoid exposure to personnel to the scorching sun and heat. It is the duty of the agency to increase the number of work force and to employ the existing work force during morning and afternoon hours as per Government orders.
3. Rainfall is a normal occurrence during monsoon in Odisha. So, unless there is unusually heavy rainfall resulting in a declared calamity, the Contractor is not eligible for any extension of time. The Contractor should plan the deployment of workforce and machinery, so as to complete the work as per schedule considering ordinary vagaries of the nature.
4. The same applies for borrow areas ponding. The Contractor should foresee possible ponding of borrow area in monsoon and likewise lift more quantity of soil/ other material during dry period, so as to complete the work as per schedule.
5. The Contractor should take up the work with due diligence in the acquired land without waiting for acquisition of the entire land. This should be completed in proportionally less period depending on the quantum of available work front.
6. The Agency should plan his work programme and mobilize men and machineries considering the canal closure programme of a particular system or area. Khariff/ Rabi closure can't be imposed arbitrarily on the farmers as per the convenience of the agency. Closure of canal for the interest of work will be solely at the discretion of the Engineer-in-Charge and can't be claimed as a matter of right.
7. There will always be standing crop before harvesting season as per crop schedule and this fact has to be clearly understood by the agency. Extension of time on this ground may not be considered by Divisional Officers.

**Reasons of hindrances for sanction of EOT not attributable to the agency).**

1. Only the day (s) of elections to the Local Bodies/Assembly/Parliament will be treated as a non-working day (s).



2. Unless there is unusually heavy rainfall resulting in a declared calamity, the Contractor is not eligible for any extension of time.
3. Force majeure.
4. Abnormally bad weather, cyclones etc.
5. Civil commotion, local commotion of workmen, strike or lockout, affecting any of the trades employed on the work.
6. Delay on the part of other contractors engaged by the Engineer-in-Charge in executing work not forming part of the contract:
7. In case a variation/ additional work is issued which makes it impossible for completion to be achieved by the intended Completion Date without the contractor taking steps to accelerate the remaining work and which cause the contractor to incur additional cost.
8. Any other cause, which in the absolute discretion of the authority mentioned, contract data is beyond the contractor's control.

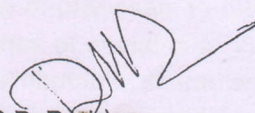
(iii) Application of EOT as per Codal Provision (Para 3.5.30 of OPWD Code).

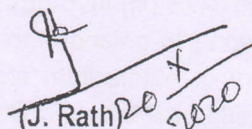
The members opined that the application for Extension of Time for completion of the work on the grounds of unavoidable hindrance or any other grounds shall be positively submitted by the contractor within 30 days of such hindrance. This should be strictly followed.

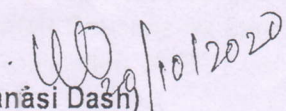
(iv) M/s OCC Ltd. shall be declared as ideal contractor in respect of execution of work, maintaining time and quality.

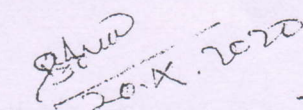
OCCL is requested to frame the procedures for award and execution of works for timely completion of works and maintaining proper quality.

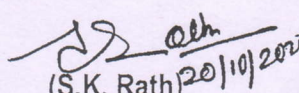
The meeting ended with vote of thanks to the chair.

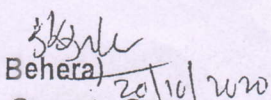
  
(S.P. Rath)  
Joint Secy. to Govt.  
Finance Department

  
(J. Rath) 20/10/2020  
E.I.C, W.R.

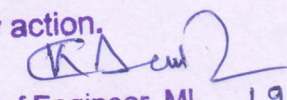
  
(Smt. Manāsi Dash)  
FA-Cum-Addl. Secretary to Govt.  
Department of Water Resources.

  
(B.P. Sahoo)  
Joint Secy. to Govt.  
Law Department.

  
(S.K. Rath) 20/10/2020  
CE, FC & BM, LMB.

  
(B.K. Behera) 20/10/2020  
FA-Cum-Spl. Secy. to Govt.  
Department of Water Resources.

(36)  
Memo No. 541 / Dated 19-01-2021  
Copy forwarded to all S.E.s/ all E.E.s for  
Information & necessary action.

  
for Chief Engineer, MI 19.1.21