

# **OPWD CODE (Ready Reckoner) (PART - II)**

*[ While utmost care has been exercised in the preparation of this Ready Reckoner to assist numerous users of this platform, the possibility of inadvertent errors cannot be ruled out, owing to revisions in codal provisions or delegation of financial powers. In the event that any such discrepancies are observed, it is earnestly requested that the same be brought to the notice of the compiler for necessary rectification. Thank you.]*

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## **Preamble:**

This part study basically deals with Tender and work execution in details, Work measurement, Billing, Components of Head of Accounts, and Accounts etc. This part is both complementary and supplementary to the Part one. Over all working of Public Works System will be elaborated.

## **List of Controlling Officers**

- (1) Chief Engineer, Roads
- (2) Chief Engineer Buildings
- (3) Chief Engineer, National Highways & Projects
- (4) Chief Engineer World Bank
- (5) Chief Engineer, Public Health
- (6) Engineer-in-Chief, Irrigation
- (7) Chief Engineer, Upper Kolab
- (8) Chief Engineer, Rengali, Gohera & Samakoi Projects
- (9) Chief Engineer, Minor Irrigation
- (10) Chief Construction Engineer, Upper Indravati Projects
- (11) Chief Construction Engineer, Rengali Irrigation Project.
- (12) Other Major and Medium Chief Engineers of WR Dept
- (13) Chief Engineer Rural Works & Rural Works II
- (14) Chief Engineer RWSS, etc

(Source : iFMS)

## **What is M.B. :**

- i) The Measurement book is considered as a very important primary record.
- ii) It is issued in the name of the Sectional Officer.
- iii) The movement of the M.B. is properly monitored in all three places. I.e. Division, Sub division and section.
- iv) It should be re-issued after completion of 2 years from the date of its issue if it is not exhausted.
- v) All payments are made based on the measurement recorded in this book.

## **Detailed Measurements in a nutshell:**

(a) Detailed measurements should be recorded in their own hand by and Sectional Officer in charge of the works to whom measurement books have been supplied for the purpose. (In important cases the Sub-Divisional Officer or Divisional Officer may record the measurements where necessary).

(b) All measurements should be neatly taken down with indelible pencil or pen in a measurement, book issued for the purpose and nowhere else.

( c ) Each set of measurements should commence with the details of entries stating.

(i) In the case of bill, for work done-

1. Full name of the work as given in the, estimate
2. Situation of the work
3. Name of the Contractor
4. Number and date of his agreement
5. Date of written order to commence work
6. Date of actual completion of work, and
7. Date of measurement

(ii) In the case of bills for supply of materials-

1. Name of the Supplier
2. Number and date of his agreement or order
3. Purpose of supply
4. Date of written order to commence supplies
5. Date of actual-completion of supplies, and
6. Date of measurement

and should end with the dated initial of the person making the measurement.

(d) As all payments for work done or supplies made are based on the quantities recorded in the measurement book, it is incumbent upon the person taking the measurements to record the quantities, clearly and accurately. The entries in the contents or area should however, be made in ink in the first instance. No entry should be erased. If a mistake is made, it should be corrected by crossing out the incorrect words of figures and inserting the corrections, the correction thus made being initialed and dated by the officer concerned. When any measurements are cancelled, the cancellation must be supported by the dated initials of the officer ordering the cancellation by a reference to his orders initiated by the officer who made the measurements the reasons for cancellation being also recorded. A reliable record is the object to be aimed at, as may it have to be produced as evidence in a Court of Law.

(e) When Measurements are taken by two or more officers jointly, the entries should always be recorded and signed by the senior most officers.

(f) Recording of measurements for earth work and other type of works by leveling and cross sections. In case of measurements by leveling and cross sections, level is to be recorded in level books and measurements derived there from are to be recorded in the measurement books. (The level books should numbered, accounted for and handled like Measurement Books.)

(g) Before starting the earth work, original ground levels should be recorded in the books in the presence of contractor or his authorized representative and should be signed by him and the departmental officer who records the levels. All the local mounds and depressions should be indicated clearly in the drawing and field level book and should be checked by Sub- divisional Officer/ Divisional Officer before leveling is started.

(h) Plans showing the initial levels, locations of bench marks and its reduced levels, should be prepared and signed by both the parties and attached to, the agreement before commencement of the work. The S.D.O. should exercise test-check to the extent of 50% and the Divisional Officer to the extent of 10% when the value

of an item of work exceeds Rs. 25,000. The test-check of levels should be carried out independently by each officer on a separate page and readings for the reduced levels should be recorded in the same level book in the red ink against the old levels which should be neatly scared out, where necessary. If the test checking carried out reveals serious mistakes in the original levels, these should be taken or retaken and rechecked. The test check by an officer should be as representative as possible for the entire work done.

(i) On completion of work, the levels should again be recorded in the level book and the contractor's signatures obtained. These levels should also be test checked by the Sub-Divisional Officer/ divisional Officers to the same extent as indicated above within one month of the date of completion of the earth work and according to the procedure as lay down in the case of initial levels indicated above.

(j) The Sub-Divisional Officer should measure all important works (Like foundation, reinforcement concrete, and any other underground works and items having very high unit rates) himself, which owing to their situation cannot be subsequently checked.

(k) the measurement for extra items should be recorded irrespective of the fact whether rates for such items have been settled or not.

(l) In case of items like dewatering etc which are not susceptible of measurement subsequently the Divisional Officer should be take steps to keep necessary account of the labour, machinery etc engaged in the work.

(m) The Divisional Officer should certify, once at least during the execution of work, with check measurements, when possible, (e.g. in the case of in masonry works or excavation) or without check measurements when such are not possible (e.g. in the case of dewatering foundations etc.) that he is satisfied that the work done is commensurate with the expenditure incurred.

(n) In the case of Departmental work, final measurement should be taken by the Sub-divisional Officer.

(o)(i) On completion of the abstract, the book should be submitted, to the S.D.O. who should scrutinize the entries in the measurement Book relating to description and quantities of work or supplies and the calculation of contents or area should be checked arithmetically under his supervision. The Bill and the M.B. should be submitted to the S.D.O. who should enter the rates allowed either in the abstract of measurements or in the bill itself and then after comparing the two signs of the bill and the M.B. at the end of abstract. When a bill is paid for work done or supplies made every page containing the detailed measurements must be invariably scored out by a diagonal red ink line. Quantities entered in the measurement books should be clearly traceable into the vouchers and a reference to the vouchers in which they are entered, as well as the date of payment should be given in the measurement book by writing in red ink at the end of the abstract of quantities.

(ii) Measurement books should invariably accompany the bills and accounts to which they refer and in no case should measurement sheets or extracts from measurement books be accepted as a substitute for the books itself.

(iii) Each set of measurement for materials, these must be dated by the officer by whom it is actually made and the signature of the contractor obtained in token of acceptance by him of the recorded measurements. The contractor must furnished claim or no claim certificate at the time of acceptance of measurement. If no such certificate is furnished, claims will not be entertained subsequently.

(p) Public works officers should see that the sub-ordinate who gets the works executed, records the measurements immediately after the works are completed so as to prevent loss to Government due to the work becoming not susceptible of measurement after a lapse of time.

## **Final Measurement**

Final measurements for all works should be most carefully recorded on the lines indicated below.

The Sub-divisional Officer should personally inspect all works of any magnitude before authorizing or recommending final payments in connection therewith.

(i) Final measurement of works estimated to cost Rs. 50,000 and more should be taken and recorded by the Sub divisional officers-themselves and checked by Divisional Officers during inspection.

(ii) Final measurements of work costing less than Rs. 50,000 and of all repairs (including annual and special repairs of roads and channels) whatever be the cost, may be taken by the Sub-Assistant Engineer/ Junior Engineer.

(iii) As failure to take measurement of earth work pits in time creates a position in which either the Government or the contractor suffers, it is necessary to take effective measures to ensure that final measurements of earth work are taken before the concerned pits are ploughed or obliterated by rain, flood, etc. the Divisional Officer must, therefore, make arrangements to take final measurements of earth work as soon as it is completed but in any case before the commencement of the rainy season.

## **Measurement by Superior Officers**

The object of check measurement is to detect errors in measurement and to prevent fraudulent entries and also to see that the specification has been faithfully maintained.

(i) The Sub Divisional Officer should check measure not less than 50 percent of the measurements of item made by Junior Engineer / Sub-Assistant Engineer, in respect of works costing Rs. 2 Lakhs ( Rs. 30,000 in respect of internal public Health and Electrical installations) so as works costing less than Rs. 2 lakhs (less than Rs. 30,000 in respect of internal public Health and Electrical installations) are concerned, 50% of the measurement of important and costly items should be check measured.

(ii) Similarly, the divisional Officer must check measure 10 percent of the measurements of important and costly items (judged by their money value) in respect of works costing more than Rs. 2 Lakhs (More than Rs. 30,000 in respect of internal public Health and Electrical installations). As regards works costing less than Rs. 2 Lakhs ( More than Rs. 30,000 in respect of internal public Health and Electrical installations), not less than 12 of his more important works should be checked measured, the work so measured must not be less than 5 percent of the measurement judged by their money value.

The check should cover both running and final bills. The Divisional Officer should particularly check measure extra items and items in respect of which the executed quantity has exceeded the original quantity by more than ten percent.

(iii) Check measurement of such items of work, which due to their situation cannot be subsequently checked, should be conducted without delay and before the works are covered.

## **Purchase and Supply of Articles for use in the Department charge of Public Works:**

### **Fundamental Principle:**

The authorities delegated with the power of Public Procurement must bring in efficiency, economy, transparency to the System. They are also liable for equitable treatment of suppliers and promotion of competition in Public Procurement.

Care should be taken not to purchase quantities in excess of requirement to avoid high inventory carrying cost and hence a loss to Government. Each case of procurement must accompany with the perfect reasoning and requirement.

A fair transparent and reasonable procedure is needed. Price is also competitive. Indenting officers also to certify that prescribed limit of storing is not exceeded.

### **Authorities competent to Purchase Goods:**

	Authority	Power to execute contracts and sanction purchases	Power to sanction contingent expenditure
1	Administrative Dept	Full Power	Full Power
2	Heads of Dept	Rs. 500. 00 Lakh in each case	Rs. 10.00 Lakh in each case (Recurring) Rs. 50.00 Lakh in each case (non-recurring)
3	Collectors	-	Rs. 05.00 Lakh in each case (Recurring) Rs. 25.00 Lakh in each case (non-recurring)
4	Heads of Sub Ordinate Offices	-	Rs. 01.00 Lakh in each case (Recurring) Rs. 02.00 Lakh in each case (non-recurring)

### **Procurement through Rate Contract System:**

Where rate contract is available with EPM, procurement should be sourced from them.

### **Purchase of Goods without Quotation:**

Purchase of goods up to Rs.15000/- on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority.

### **Purchase of Goods through Local Purchase Committee:**

Purchase of goods above Rs.15000/- and below Rs. 1,00,000/- on each occasion may be made on the recommendations of a duly constituted Local Purchase Committee consisting of 3 members of appropriate level as decided by the Authorities competent to Purchase Goods.

### **Splitting of Demands:**

Piecemeal purchase by split up must be avoided.

### **Purchase of Goods by obtaining bids:**

Department may go for procurement by bids also through

- i) Advertised Tender Enquiry (for Rs.5.00 Lakh and more)
- ii) Limited Tender Enquiry and (for less than Rs.5.00 Lakh)
- iii) Single Tender Enquiry (when a particular firm has monopoly over the product in the knowledge of the department)

Two bid systems must be followed when purchasing a high value plant, machinery etc. First cover is technical bid and second cover is financial bid. E-Procurement method is to be adopted when purchase value exceeded Rs.2.00 Lakh

Petty purchase not exceeding Rs 1000 of a time can be made, without calling for quotation provided that a certificate to the effect that the purchase is made at the lowest available market rate is recorded on the body of voucher. Such purchase should as far as possible be made from dealers who are registered under the Orissa VAT Act 2004.

In the case of important construction works let out on contract, articles required for the construction of such works may be supplied by the contracting firm provided that where specification and/ or tests have been prescribed for such articles they shall confirm to such specification and/ or tests.

Nothing in these rules shall be deemed to prohibit the purchase of articles by one Department from another.

Any agreement of contract for technical collaboration or consultancy service, purchase of stores of proprietary nature, with foreign firms or foreign government should be referred to the administrative Department for according approval to the transaction and the agreement from to be used in such cases.

### **Award of Work Without Call of Tenders O.P.W.D. Amendment 2005:**

1. Tenders shall ordinarily be invited for all works costing more than Rs. 50,000. In case of urgency, the prescribed period of notice may be suitably reduced.

In emergent cases, requiring intensive employment of labour the interest of work so demands, contracts for works may be without calling for tenders, provided departmental execution by engagement of labour on muster roll basis is not found feasible practicable.

Rate allowed in these cases will either at current SR or a rate lesser than SR.

***(The precise nature of the emergency should be recorded by the Divisional Officer in writing before dispensing with call of tender.)***

Tenders may dispense with in the following cases.

(i) Cases of exceptional urgency like test-relief works flood damage repairs, closure of breaches in embankments and roads etc. when it is not possible in the interest of speeds execution of works to award contracts even by short tender notice.

(ii) Other cases of exceptional urgency when award of contracts by invitation of tenders is likely to involve delays **which will be against the public interest.**

(iii) Cases where tenders have not been received in spite of two or more notices

(iv) When rates offered by tender are considered unduly high in comparison with the estimated rates.

2. Contracts shall ordinarily be given to registered contractors of the P.W.D. persons no registered as contractors may be awarded contracts only when registered contractors are no available. In such cases steps should be taken to register them as contractors of P.W.D. soon after the award of work.

3. K-2 Forms of contract shall be adopted in all cases and the quantity and the rate of each item specified in the contract.

4. Specific provision shall be made in the contract for imposition of penalty up to 5 percent of the value of work in the event of failure to complete it within the stipulated time.

5. For works costing up to Rs. 50,000 the time limit for completion shall not ordinarily be more than one month. The time limit for work costing more than Rs. 50,000 shall exceed two months.

6. Estimates shall not be split up to bring particular portion of work within the powers delegated foe awards of work without calling for tenders, except where splitting up of works in the public interest for smooth and expeditious execution of the work. Provided that the authority for such splitting up work costing up to Rs. 2.00 lakhs will be exercised by the Chief Engineer and for works of more than Rs. 2.00 lakhs by the Administrative Department.

7. The sum total of all works orders issued against any particulars estimate shall not exceed the financial limit up to which work may be awarded by a competent authority without calling for tenders.

Note- I. For the purpose of complying with this condition, the Engineer-in-Charge should display a notice in the Notice Board of his office inviting quotations for the work question and allow at least 48 hours time for receipt of quotations from the available contractors and job Workers. The lowest rates thus received should be accepted and in case this cannot become the same should be referred to the next higher authority for a decision.

II. Settlement of rates by calling for quotation shall not be considered as competitive and award of works on the basis of such quotations shall be deemed as award of contracts without calling for tenders.

8. The Divisional Officer shall furnish a monthly return to the Superintending Engineer by the 10<sup>th</sup> of each month indicating the works taken up without tender and the rates accepted by him. The S.E. shall scrutinize the return to see that work orders have been issued only in emergent cases and the rates allowed are in order.

9. Financial powers of different officers of P.W.D. to award works without calling for tenders shall be as follows: -

(a)	Chief Engineer	Rs. 50,000.00
(b)	Superintending Engineer	Rs. 15,000.00
( c )	Executive Engineer (Divisional Officer)	Rs. 10,000.00



## **P.W.D. Contractor's Registration Rules 1967:**

1. These rules shall be known as the "P.W.D. Contractor's Registration Rules" and shall come into force from the 16<sup>th</sup> October 1969 in super session of all other rules on the same subject issued previously. These rules will apply to all the wings of P.W.D. under the administrative control of government of Orissa in the Works Department, Irrigation and Power Department, and Housing and Urban Development department.

2. After careful consideration, Government have been pleased to decide that bidders registered under the other State government/MES/Railways/CPWD in equivalent rank may participate in the tender work in the State. **But successful bidder has to register under the State PWD before signing of the agreement.**

Note- *Nothing fetters the discretion of the chief Engineer or any officer having the powers of a Chief Engineer to invite tenders for specially important or big works from contractors already registered in the highest class in the C.P.W.D. or in any state Public Works Department, Military Engineering service, any of the Indian Railways or Major Public Body like Calcutta, Bombay and Delhi Corporations or in part Commissioners, from reputed Engineering firms of the country engaged in construction work.*

4. Registrations of Contractors falling in Super Class, Special Class and 'A' class will be done, by a committee consisting of the following officers-

1. Engineer-in-Chief (Civil (R&B),
2. Chief Engineer, Delta and Flood Control,
3. Engineer-in-Chief, P.H. (Urban),
4. Chief Electrical Inspector,
5. Chief Engineer, Minor Irrigation,
6. Chief Engineer, National Highways,
7. Chief Engineer, Buildings,
8. Chief Engineer, Rural Works-I.

The Engineer-in-Chief (Civil) R&B will be the convener 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 3 months and consider all Applications for **registration and up-gradation to the above three classes** received during the preceding months. Quorum for the meeting of the Officers will be five.

Class of Contractors	Registration Fees	Renewal Fees	FD at the time of Registration	Bidding Limit	Registration Authority
Super	2,00,000.00	50,000.00	10,00,000.00	Above 20.00 Cr.	Committee of C.E.s
Special	60,000.00	20,000.00	2,00,000.00	6 Cr. To 50 Cr.	Committee of C.E.s
A	30,000.00	10,000.00	80,000.00	1 Cr. to 20 Cr	Committee of C.E.s
B	12,000.00	5,000.00	40,000.00	20 Lk. to 3 Cr	Additional C.E. of C.E., if there is no Addl. C.E.in that wing.
C	6,000.00	2,000.00	20,000.00	Up to 40 Lk	Any S.E. or by the Addl. C.E. or C.E, if there is No S.E. in that wing.
D	3,000.00	1,000.00	20,000.00	Up to 20 Lk	Do

Notes- (1) Contractors of 'B' Class and below registered in any one wing shall be entitled to tender for works under any other wing excepting Electrical Works. Similarly, contractors of Electrical Wings will be entitled to tender for Electrical works only in any other wing.

(2) Contractors registered in Super Class, Special Class and 'A' class shall be entitled to tender for work under any wing or department of the State Government except the Contractor registered exclusively for Electrical works.

(3) Graduate Engineers and Diploma holders should be entitled as 'A' Class and 'B' Class contractors respectively without making any deposit as required in rule 7 infra on payment of registration fees only at 50% (fifty percent) of the normal rates.

(4) Special Class- One Graduate Engineer and Two Diploma Holders belonging to the State of Orissa. 'A' Class - One Graduate Engineer or Two Diploma Holders belonging to the State of Orissa.

5. Ordinarily a new contractor shall be registered in the lowest class and promotion to higher classes depends upon its performance and capacity – technical and financial. However, promotion to a higher class remains within the discretion of the Registering authority.

8. Certificates of registration shall remain valid for, a period of three years from the date of commencement of the financial year during which they are granted and may be renewed thereafter for further three yearly periods.

### **Codal Procedure for Black Listing of Contractors:**

The Chief Engineer of a Department may blacklist a contractor with the approval of concerned Administrative Department on the following grounds.

- a) Misbehavior / threatening of departmental and supervisory officers during work execution of work/tendering process.
- b) Involvement in any sort of tender fixing.
- c) Constant non – achievement of milestones on insufficient an imaginary ground and nonadherence to quality.
- d) Persistent and intentional violation of important conditions of contract.
- e) Security consideration of the state i.e. any action that jeopardizes the security of the state.
- f) Submission of false/fabricated/forged documents for consideration of a tender.

The registration certificate of blacklisted contractor shall remain automatically suspended while allowing him to complete all his ongoing work(s) unless otherwise rescinded by the competent authority on grounds of breach of conditions of agreement. The names of the so blacklisted contractors shall also be communicated to all concerned. The punishment can be revoked after sufficient reasoning and investigation.

### **Executive Instructions regarding Calling for and acceptance of tenders Tender Notice**

1. Tenders for work should be invited only after a detailed estimate showing quantities, rates and amounts of various items of works and also specifications to be adopted are prepared and sanctioned by competent authority.

## 2. The tender documents comprise of

- (a) the notice inviting tenders in the prescribed form,
- (b) the schedule of quantities of works,
- (c) a complete specification of the work to be done,
- (d) a set of complete drawings and
- (e) the form of tenders be used along with a set of special conditions.

The method of measurement, quarries, places where Departmental materials are available should be clearly indicated.

4.(a). Document should be only issued after the authority competent to accept the tender has approved the tender documents.

(b) The notice inviting tenders should stipulate reasonable time for completion of work.

5. The notice inviting tenders add all other connected papers are very important documents on which subsequent agreements are based. It is, therefore, necessary, that each page and the correction slips and other corrections and modifications made in the tender papers are signed by the competent authority, in token of approval so that all chances of tampering with documents are avoided.

6. Tender Approving authority should see that there are no ambiguities in the tender papers.

7. All tenderers should be asked to give a declaration about the names of their relatives employed in the particular department in charge of execution of works and a list of works which are in the hand at the time of submitting their tenders, along with their tenders.

Up to 10,000	Job Work			
10,000 – 5,00,000	Circulated among local Offices	Paper Tender		Min 10 Days and Max 15 Day up to 50,00,000
5,00,000 – 10,00,000	Two Local Dailies	E Tender		
10,00,000-100,00,000	One local English Daily & Two Local Dailies	E Tender	Double cover above 50,00,000	Min 15 Days and Max 21 cost above 50,00, 000 and up to 3.00 cr. Above this min 21 days max 45 days
More than 100,00,000	One National English Daily & Two Local Dailies	E Tender	Pre-Bid Call above 20 Cr.	

Above Rs. 50.00 Cr. EPC mode of contract can be adopted

8. If for any reasons tenders cannot be opened on the due date, intending tenderers should be informed about the new date and time for the opening of tenders. The tenders should be encouraged to be present at the time of opening the tenders.

9. Where a request is received from a contractor for the supply of a duplicate set of tender documents, the same may be supplied to him at full cost of the original copy to the time of issue of original papers if available. The copy to be supplied should be stamped duplicate so that it may not get mixed up with original tender documents.

10. When it is not practicable to supply plans and drawings along with each set of tender documents to the contractors for the purpose of tendering, plans and drawings should be displayed on notice board in such a manner that they can be seen by the intending tenders without causing damage to the plans.

(b) All tender forms received should be entered in register of tenders received together with the number and date of letter advising dispatch with which they are received.

11. (i) The officers opening the tender (Executive Engineer, Divisional Accounts Officer and Estimator) should invariably date and initial all the documents. Tender opening authority shall attest all corrections, number them in red ink and sign each page of the schedule accompanying the tender, he should also record in red ink at the end of each page the number of such corrections. The competent authority may reject a tender containing corrections and mutilation.

(ii) Any ambiguities in the rates quoted by the tenders in words or figures must be clearly indicated on each page of the schedule attached to the tender to, which it concerns.

(iii) In case where the contractor has quoted rates in rupees and no paisa is mentioned the word only should invariably be added by the officer opening the tenders. After the words rupees and the corrections; should be initially and suitable remarks added at the end.

(iv) Where the contractors have omitted to quote the rates in figures or in words, the omissions should be recorded by the officer opening the tender on each page of schedule.

(v) It should be seen that the contractor quotes entire rates in words including paise to avoid chance of tempering and if the contractor fails to do, the officer concerned should himself write the rates in words at the time of opening of the tenders.

(vi) That if on check there are difference between the rates given by contractor in words and figures or in the amounts worked out by him the following procedure should be followed.

(vii) When there is difference between the rates in figures and in words, the rates which correspond to the amounts worked out by the contractor shall be taken as correct.

(viii) When the amount of an item is not worked out by the contractor or it does not correspond with the rate written either in figures or words, then the rate quoted by the contractors in words shall be taken as correct.

(ix) When the rate quoted by the contractors in figures and in words tally but the amount is not worked out correctly, the rates quoted the contractor shall be taken as correct and not the amount.

(x) In case of percentage rates both in amount as well as in percentage below or above the rates entered in the schedule. In such cases in the event of arithmetical, error, committed in working out the amount by the contractor the tendered percentage and not the amount should be taken into account.

12. Top priority should be given to, decide the award of work on receipt of tenders. In order of minimize chances of delay the time table indicated in the annexure should be observed in dealing with the tenders by different authorities.

13. No officer can accept any tender.

(i) Which relates to a work not yet technically sanctioned except.

(ii) Which exceeds the amount technically sanctioned for the work by an amount greater than that the empowered to pass.

(iii) Any provision which infringes any standard rule or order of higher authority (rules for the supply of articles for the public service etc.)

(iv) Which involves an uncertain or indefinite liability or any condition of an unusual character?

(v) Which exceeds the amount up to which he is empowered to accept the tender.

(vi) After a period of 90 days from the date of opening the tender, unless the period of validity has been extended by the parties concerned.

14. The reasons for accepting a tender which is not the lowest or for rejecting all tenders should be recorded on a separate sheet of paper and it should be attached to the comparative statement and removed before the case goes back to the office.

15. The agreement should be signed on behalf of the Governor by an officer authorized by the Government. A Divisional Officer can also sign, on behalf of Governor, an agreement for a work the tender in respect of which has been accepted by a higher authority.

If the quoted rate of the lowest bidder is within 5% excess of the estimated cost, there is no need for negotiation. There will be no negotiation with any other bidder except with lowest bidder.

16. When contractors sign their tenders in any Indian script or can only their name in English the amount of the tender or rate of percentage above or below offered by them should be written in the contractors own handwriting in Indian script preferably in Oriya and in the case of illiterate contractors, the amount of the tender should be attested by a witness.

17. (a) The Tender after acceptance becomes a contract and should be filed with care in divisional of Sub-Divisional Office as the case may be after entering it in the register of accepted agreements. In case of tenders called for and accepted by the Chief Engineer and Superintending Engineer the certified copies of contract documents should be retained in the respective offices; the original copies sent to the Divisional and Sub-Divisional Office for checking bills before.

18. (a) The power to extend the date of completion of works vests with authority accepting the tender.

(b) The power to waive any penalty levied will rest with the Administrative Department which will obtain concurrences of Finance Department before orders are issued.

To rescind the contract of which rescission notice in writing to the contractor under the hand of the Executive Engineer shall be conclusive evidence, 20% of the value of left over work will be realized from the Contractor as penalty.

**Time Schedule for scrutiny of Tenders**  
**Maximum time allowed for scrutiny and disposal**

Sl. No	Classification of Tender	Sub Divisional Officer	Divisional Officer	Superintending Officer	Chief Engineer	Contract Committee
1	2	3	4	5	6	7
1	Tenders within the power of Sub-Divisional Officer	5	-	-	-	-
2	Tenders within the power of Divisional Officer	10	-	-	-	-
3	Tenders requiring orders of authority higher than Divisional Officer					
(a)	Scrutiny and disposal	-	15	10	10	15
(b)	Disposal by the Divisional Officer after receipt of orders of orders from higher authority	-	7	-	-	-

Note- (i) In case where prolonged negotiation are necessary an additional period of 15 days is allowed at the level at which negotiation are to be carried.

**e – Procurement:**

Since 2008 Government of Odisha has introduced this system of tendering. Work contract valuing Rs.5.00L or more and Supply valuing Rs.2.00L or more are to be invited by e – Procurement. For this the bidders are to be registered themselves with registering authority to obtain DSC card. They would upload their credentials by PDF format and BOQ in xls format in the bidding. Before opening of the tender they are required submit all original documents and Financial Instruments in a sealed cover with the tender opening authority. Once the tender document uploaded by the Contractor in the portal it will remain confidential and invisible till the pre fixed date and time arrives. Tender opening authority ( min 2 ) would open the tender using their DSC card by decrypting the uploaded documents. System will generate the comparative statement also.

**Evaluation of Bid Capacity:**

Where it is covered under Notice inviting Tender the Bid Capacity can be evaluated for the purpose of determining the eligibility of the Bidders. Normally this course is applied to Double Cover System of Bids at during the time of Technical Bid Evaluation ( Cover I ).

**Formula:**  $(A * N * M - B)$

Where A . Max value of work executed in any one year during the last 5 years updated to current price level by the indexing factor covering both completed and work in progress.

M . As specified in the Instruction to Bidder

N . Number of years prescribed for completion of the work for which the Bid has been called

B . Value of the existing commitments in hand to be completed in the next year indexed to current price level

**Indexing Factor: ( Inflation to be considered as 10% )**

Year	Multiplying Factor
1	1.1
2	1.21
3	1.33
4	1.46
5	1.61

**Departmental Works:**

The powers of according permission for execution of works departmentally shall be as follows:-

Estimated cost of the works		Authority competent to accord permission
1	Works costing up to Rs. 10.00 Lakhs	Superintending Engineer concerned.
2	Works costing above Rs. 10.00 Lakhs up to Rs. 20.00 Lakhs	Chief Engineer concerned
3	Works costing above Rs. 20.00 lakhs up to 50.00 lakhs	Administrative Department
4	Works costing more than Rs. 50.00 lakhs	Finance Department

(i) The estimate for the works to be executed departmentally shall be prepared on a realistic basis as per the sanctioned schedule of rates/rates fixed by the Committee of S.E.s (consisting of one S.E. each from R&B, N.H. and Projects, P.H. and Irrigation wing having their jurisdiction over that district), which shall be technically sanctioned and administratively approved by the competent authority under the relevant codal provision before taking up actual execution.

(ii) In addition to the existing codal available to the executive Engineer an Assistant Engineer in the matter of payment of cheque, time following financial powers may be exercised by Executive Engineer, Assistant Engineer and Sectional Officer to make cash payment for petty purchase of materials other than those available in the Store for execution of departmental works to meet the urgent and emergent needs.

Executive Engineer	Assistant Engineer	Sectional Officer
Rs. 1,000	Rs. 500	Rs. 100

For payment to labourers engaged on N.M.R./Piece rate and petty local purchase of materials not readily available in departmental stores on obtaining local quotations.

## **Procedure for the Acquisition Of Land for Public Works in Brief:**

1. Land required for a public purpose should be acquired by following the procedure laid down in the Land Acquisition Act 1894 and the executive instructions issued there under by the State Government as incorporated in the Bihar and Orissa Land Acquisition Manual 1928 amended from time to time.
2. Transfer of land under the possession of one Department of Government to be arranged by executive action and it is not necessary in such case to initiate proceeding under the land Acquisition Act.
3. As far as possible land should not be acquired by private negotiations as this may involve Government in unnecessary litigation regarding rights and title over the land and may also result in payment of higher rates. In cases when it is absolutely necessary to acquire land by negotiation, the Divisional Officer should invariably obtain necessary information from the Collector and his opinion on the transaction should be sent along with the proposal. Sanction of State Government is necessary for the purpose of acquiring land by negotiations.
4. When it is intended to acquire land for a public purpose, the Divisional Officer concerned should apply to the Collector of the District in which the land is situated clearly the reasons why it is considered desirable to acquire the land. No form has been prescribed for furnishing the requisition. It should be furnished with the requisite information prescribed in the Executive Instruments No.10 in the Bihar and Orissa Land Acquisition Manual 1928.
5. On receipt of the requisitions the collector is required to prepare a draft notification under section 4 of the Land Acquisition Act in the all cases in consultation with the Requiring Officer, if necessary and forward it to the Revenue Department, R.D.C. Administrative Department for approval and publication in the Orissa Gazette.
6. After the publication of the notification, the collector will give public notice of the substance of the notification in the locality to enable the persons interested in the land to file objections, if any the Collector while hearing the objections filed under Section 5-A of the Act, will intimate the local officers of the Requiring Department who should represent. On receipt of intimation of the issue of public notice the Requiring Officer may proceed to examine the land, survey, dig, bore and otherwise ascertain its suitability for the purpose for which it is required and should collect such information as will assist the Collector in framing an estimate of the probable cost of the land. The map or plan together with a memorandum, specifying generally the character of the land, (Waste land, cultivated land, etc) the number and character of building, trees, etc. standing the land, should be sent to the Collector for preparation of an estimate of the cost of acquisition and draft declaration under Section 6 of the L.A.Act for this purpose the Requiring Officer may obtain from the Collector, information from the settlement records to ascertain the rates of rent class and tenants, etc if necessary.

No work should however, be commenced by the Divisional Officer during the preliminary investigation and been formally handed should be done to the property till the land has been authorized over or unless the approval in writing of the local revenue has been obtained.

7. In case of extreme urgency recourse can be taken to the provision of Section 17 of the land Acquisition Act. Where it is intended to adopt the emergency procedure the divisional Officer should state whether Sub-section (1) or Sub-section (2) is to be applied and whether Sub-section (4) of the said Section is also intended to be applied. As this special procedure has the effect of depriving the persons interested in the land of a statutory right to contest the property of acquisition/the Divisional Officer concerned should furnish full reasons justifying the proposal so as to enable the Collector to certify that there is no objection to the acquisition based



on general or specific grounds. He should also furnish particulars of the land, etc to the Collector to avoid delay in the procedure.

8.1. In cases when the emergency procedure is applied the Divisional Officer should within a fortnight from the date of publication place funds towards the cost of declaration under Section 6 in the gazette, place funds towards the cost of acquisition with the Land Acquisition Officer.

2. When the emergency clause is not applied, the estimated cost of the land as sanctioned by the competent authority must be paid within three months from the date of issue of the order under Section 7 or earlier. If the land Acquisition Officer so directs Interest as may be required should be paid on demand.

3. If funds are not deposited, as above, the Land Acquisition Officer is at liberty to recommend the case to be dropped. Hence, there should be no delay in depositing the money.

4. Payment must be made separately for each case and not together for a group of cases.

9. Land notified for acquisition can be withdrawn from acquisition if possession has not been taken over. Even where possession has been taken, such portion of the land under acquisition which is not required for the purpose for which it is acquired, may be restored at any stage provided the person interested in the land agree to this course. The requiring Officer should therefore promptly apply to the Collector for withdrawal of land from acquisition/restoration of land taken over, when the finds acquisition of some portion or in full not necessary for the purpose.

10. The Divisional Officer is prohibited from starting any work on the land unless physical possession has been made over by the Land Acquisition Officer at the site. He should obtain himself from taking advance possession and wherever taking advance possession seems imperative before taking any such possession.

11. Since no work can be started till the land acquisition proceedings are complete and the land handed over, the Divisional Officer should watch the progress of the proceedings at every stage and keep a close liaison with the land Acquisition Officer.

12. **“The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”** came in to force with effect from 01.01.2014. This rule is in addition to previous rules. Among some major changes it provided the criteria for assessment and determination of market value and also additional market value @12% per annum on such market value.

13. Since 6.07.2013 by virtue of an executive Instruction a new principle of **“direct purchase of land for Social Development projects through bilateral negotiation”** is in force.

14. Works Department in its order dated 15.01.2016 has declared all Executive Engineers under its control as Competent Authority to file requisition under RFCTLA R&R Act 2013 and to negotiate with the land owners for direct purchase of Land.

**Head of Accounts:**

**13-2059-01-053-1557-21114 – Repair of Office Building**

13 – Demand No - H & UD

2059 – Major Head - Non Residential Building

01 – Sub Major Head - Office Building

053 – Minor Head - Maintenance & Repair

1557 – Sub Minor Head - Water Supply and Sanitary Installation

21114 – Detail Head - Maintenance & Repair