**ITEM NO. 12 (A-40)**

**1. Name of subject/project:-**

Sub:- S/R of roads in NDMC area.

Sh:- Construction of cement concrete pavement for lanes & colonies of the Sec-II, DIZ area.

**2. Name of the Department**

Civil Engineering Department

**3. Brief History of the Subject.**

(a) The case was discussed in Special Council meeting on 03. Sep.09. It was resolved by the council that work may be taken up by NDMC itself, out of its own funds **(Annexure-A, See pages 144 - 153),** necessary provision has been made by budget 2012-13 & 2013-14.

(b) The request for sending formal communication to NDMC for transfer of public streets maintained by them has been sent to Director General (Works).

(c) CRRI was engaged to evaluate these roads & recommend the design & specifications for concrete roads. CRRI has submitted design report & based on this design report the estimate for provision of concrete roads have been framed by the fields staff colony wise.

(d) Based on earlier decision of Council 03 Sep.’09 & 30 Sep.’09, tender for the work were invited. In the first call of tender as opening through e-procurement on 16.04.12, during opening of technical bid three agencies has participate in tendering and non of the three firms fulfill the eligibility criteria as per approved NIT. Then Sub Committee has recommended for rejection and recall of tender regarding modification the condition of equipment capability i.e. minimum age of plant and equipments to be deployed by the contractor should be in good working condition instead of 0-3 years old.

(e) Tender was recalled in second time as opening on 31.05.12 after modifying the condition of the NIT and in response, four firms has submitted their bids. Out of which two firms were qualified for opening of financial bid and remaining two firms not qualified due to not fulfilling the condition of similar nature of work.

Thereafter, financial bids were opened of two successor bidder and M/s. Raunaq Constn. Was found L-I contractor whose rates were 20.19% below the estimated cost. After scrutiny the tender case it was observed that some items of NIT were still advantage given to the contractor regarding addition and deduction of cement during execution of work. Then it was decided that tender should be rejected after deleting the item No. 27 & 28 of the NIT. Accordingly, tender was rejected on 03.08.12.

(f) Tender was again recalled for third time after modification of DE & NIT and tenders were opened on 26.09.12, where five agencies has submitted their bids. In the meantime, a complaint was received regarding manipulation in tender for supporting false documents by the contractors, then all document submitted by all the bidders were verified from concern issuing authority. Thereafter, Technical Sub Committee has found that four firms were eligible for opening financial bid and remaining one firm has not submitted earnest money physically in tender box.

(g) Thereafter financial bid was opened of four bidders which details are as under:-

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Sl. No.** | **Name of contractor Agency** | **Estimated Cost (`)** | **Tendered Amount (`)** | **% Above/below the Estimated Cost** | **Remarks** |
| 1. | M/s. H.R. Builders | 9,79,96,784/- | 8,61,00,923/- | 12.14% below | L-I |
| 2. | M/s. Staya Parkash (P) Ltd. | 9,79,96,784/ | 8,99,49,671/- | 8.21% Below | L-II |
| 3. | Sh. Bipin Kumar | 9,79,96,784/ | 9,95,43,968/- | 1.58% abvoe | L-III |
| 4. | M/s. Gawar Const. Ltd. | 9,79,96,784/ | 10,06,96,784/- | 2.72% above | L-IV |

(h) M/s. H.R. Builders is the lowest bidder @12.14% below the estimated cost of ` 9,79,96,784/- against the justification of checked by the planning @ 16.97% above the estimated cost with the tendered amount of ` 8,61,00,923/-

(i) The rates quoted by the lowest bidder after scrutiny by planning have been found to be reasonable and recommended for acceptance by the council.

(j) The Finance Department has concurred the proposal for awarded of work to lowest bidder i.e. M/s. H.R. Builders at their quoted rate @ 12.14% below the estimated cost.

(k) The validity of tender is up to 28.02.2013.

**4. Detailed Proposal of the subject/Project**

 (a) HDPE pipe in ducts for laying of Elect./communication cables - 24805 Metres

 (b) Precast RCC pipe 300 mm dia for drainage -2617 Metres

 (c) Ready Mix concrete M-10 & M-40 -

 M-10 - 8862 cubic metre

 M-40 - 4535 cubic metre

 Total area of RMC- 45350 Square Metre

 Total single lane length (3.00M Avg. width) of RMC in KM - 15.00 Kilometre

 (d) Precast RCC manhole covers, gully chambers, manholes, RCC works etc.

**5. Financial Implications of the proposed project:**

The financial implications of the proposal works out to ` 8,61,00,923/-.

**6. Implementation schedule with timelines for each stage including internal proceedings:**

The schedule time for completion of project is Fifteen months after award of work.

**7. Comments of the Finance Department on the subject with dairy no. and date:**

 Finance has seen the case and raised observation vide dairy no. FA-94, R-CE(C) dated 22.01.2013

7.1 The department has assured & certified that proposed work shall not fall under realignment of Master plan and redevelopment work being taken by Ministry of Urban Development. Department is however advised to bring on record the clarifications given in response to observations of FD alongwith the current status regarding transfer of public streets, parks & roads to NDMC and follow up action w.r.t. CPWD’s letter dated 01.01.2010 & NDMC’s response thereon.

7.2 As far as the tender is concerned, FD has no objection to proposal of the department to award the work To L-I firm M/s. H.R. Builders at the tendered amount of Rs. 8,61,00,923/- which is 12.14% below the EC of Rs. 9,79,96,784/- checked by the Planning at Page-99/N. Since the rates received are more than 12% below the estimated rates, department is advised to ensure & monitor the quality of works as per specification of the NIT while execution of work.

7.3 The Deptt. is also advised to bring on record & in agenda, the total length in km. or area in sq.m to be covered under this project and the various items/components of the work.

**8. Comments of the department on comments of Finance Department.**

8.1 Preliminary estimate amounting to Rs.9,98,76,000/- was approved vide Council Resolution No.03(A-19) dated 09.02.2012 to carry out the instant work in anticipation of formal communication from CPWD to transfer the public streets, roads and parks to NDMC. In this regard, a letter dated 15.09.2009 was sent to DG (Works), CPWD by Secretary, NDMC. Thereafter, replies were received from Director (P&WA), CPWD vide letter dated 01.01.2010, where it was mentioned that it is not advisable to transfer these streets/parks with NDMC. It is, however, to reiterate that in the meeting chaired by Principle Secretary to Prime Minister, it was decided to transfer only the municipal functions of Govt. colonies. It is assured and certified that proposed work shall not fall under realignment of master plan and redevelopment work being taken by Min. of Urban Development.

 Further the clarification to the observation of finance has already been given to the finance at page-102/N which are reproduce as under:-

(a) In the first call of tender as opening through e-procurement on 16.04.12, during opening of technical bid three agencies has participate in tendering and non of the three firms fulfill the eligibility criteria as per approved NIT. Then Sub Committee has recommended for rejection and recall of tender regarding modifying the condition of equipment capability i.e. minimum age of plant and equipments to be deployed by the contractor should be in good working condition instead of 0-3 years old.

(b) Tender was recalled in second time as opening on 31.05.12 after modifying the condition of the NIT and in response, four firms has submitted their bids. Out of which two firms were qualified for opening of financial bid and remaining two firms not qualified due to not fulfilling the condition of similar nature of work.

 Thereafter, financial bids were opened of two successor bidder and M/s. Raunaq Constn. Was found L-I contractor whose rates were 20.19% below the estimated cost. After scrutiny the tender case it was observed that some items of NIT were still advantage given to the contractor regarding addition and deduction of cement during execution of work. Then it was decided that tender should be rejected after deleting the item No. 27 & 28 of the NIT. Accordingly, tender was rejected on 03.08.12.

(c) Tender was again recalled for third time after modification of DE & NIT and tenders were opened on 26.09.12, where five agencies has submitted their bids. In the meantime, a complaint was received regarding manipulation in tender for supporting false documents by the contractors, then all document submitted by all the bidders were verified from concern issuing authority. Thereafter, Technical Sub Committee has found that four firms were eligible for opening financial bid and remaining one firm has not submitted earnest money physically in tender box.

(d) The authenticated technical evaluation sheet has been annexed at Flag ‘A’ for third call of tender with detail of Page No. and documents in support of eligibility of the bidders.

(e) It is certified that financial bids of only those bidders have been opened who fulfils the eligibility criteria as per NIT.

(f) It is certified that due publicity has been given to tender and advertisements have been made as per NDMC approved policy. Copy of newspaper cutting in support of publicity as required under NDMC approved policy have been attached herewith on Flag ‘B’.

(g) It is certified that there is no complaint pending with the department regarding the instant tender.

(h) It is assured and certified that rates of L-1 firm are workable and in close proximity of rates of similar nature of works.

(i) It is certified that justification has been prepared in regard to provisions of CPWD Works Manual including OM dated 08.06.2009 of CPWD.

8.2 Finance Deptt. has concurred in to the proposal to accept the tender of L-I firm i.e. M/s. H.R. Builders at the tender amount of ` 8,61,00,923/- which is 12.14% below the estimate cost of ` 9,79,96,784/- checked by the Planning. Since the rates received are more than 12% below the estimated rates. Further it would be ensure & monitor the quality of works as per specification of the NIT while execution of work.

8.3 The detail as sought by Finance Department regarding the total length in kilometer to area in square meter and various items/components of the work has already been furnished at point No.-4 of the agenda.

**9. Legal implication of the subject/project.**

“There are no legal issues”.

**10. Details of previous council Resolutions, existing Law of Parliament and Assembly on the subject:**

Preliminary Estimate was approved by council vide resolution No. 03(A-19) dt. 09.02.12.

**11. Comments of the Law Department on the subject.**

“There are no legal issues”.

**12. Comments of the department on the comments of the Law Department.**

 No Comments.

**13. Certification by the department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.**

All the Central Vigilance Commission’s guidelines have been followed.

**14. Recommendations:**

 The case is placed before the council for consideration and according:

(a) Approval to carry out the subject work out of NDMC funds in view of severe hardships faced by the residents of the area in the line with its earlier decision taken on 03 Sep.’09 & supersession of its earlier decision of carrying out these works in anticipation of vesting roads/parks with council taken on 30 Sep.’09.

(b) Approval for acceptance of the lowest offer of M/s. H.R. Builders @ 12.14% below the estimated cost of ` 9,79,96,784/- against the justification of 16.97% above the estimated cost with the tendered amount of ` 8,61,00,923/- for the work **“Construction of cement concrete pavement for lanes & colonies of the Sec-II, DIZ area”.**

**15. Draft Resolution:**

 Resolved by the Council to accord:-

(a) Approval to carry out t he subject work out of NDMC funds in view of severe hardships faced by the residents of the area in the line with its earlier decision taken on 03 Sep.’09 & supersession of its earlier decision of carrying out these works in anticipation of vesting roads/parks with council taken on 30 Sep.’09.

(b) Approval for acceptance of the lowest offer of M/s. H.R. Builders @ 12.14% below the estimated cost of ` 9,79,96,784/- against the justification of 16.97% above the estimated cost with the tendered amount of ` 8,61,00,923/- for the work **“Construction of cement concrete pavement for lanes & colonies of the Sec-II, DIZ area”.**

**COUNCIL’S DECISION**

Resolved by the Council to accord approval to carry out the subject work out of NDMC funds in view of severe hardships faced by the residents of the area, which is in line with its earlier decision taken on 03 Sep.’09 & supersession of its earlier decision of carrying out these works in anticipation of vesting roads/parks with Council taken on 30 Sep.’09.

The Council further resolved to accord approval for acceptance of the lowest offer of M/s. H.R. Builders @ 12.14% below the estimated cost of `9,79,96,784/- against the justification of 16.97% above the estimated cost at the tendered amount of `8,61,00,923/- for the work “Construction of cement concrete pavement for lanes & colonies of the Sec-II, DIZ area”.

It was also resolved by the Council that further action may be taken by the Department in anticipation of confirmation of the Minutes by the Council.