

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 06/2013-14 DATED 07.10.2013 AT 4-00 P.M.

Arrangement of business

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ITEM NO. 01 (C- 15)

Confirmation and signing of the minutes of the Council's Meeting No. 05/2013-14 held on 04.09.2013. (See pages 4 – 9)

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

DRAFT MINUTES OF THE COUNCIL'S MEETING NO. 05/2013-14 HELD ON 04.09.2013, AT 5-00 P.M. IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	05/2013-14
DATE	:	04.09.2013
TIME	:	5-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|--------------------------|---|--|
| 1. | Jalaj Shrivastava | - | Presiding Officer / Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. Dharmendra | - | Member |
| 4. | Sh. Ashok Ahuja | - | Member |
| 5. | Sh. I.A. Siddiqui | - | Member |
| 6. | Sh. Suka Ram | - | Member |
| 7. | Sh. Vikas Anand | - | Secretary |

ITEM NO.	SUBJECT	
01 (C-10)	Confirmation and signing of the minutes of the Council's Meeting No. 03/2013-14 held on 23.07.2013.	Minutes Confirmed.
02 (C-11)	Confirmation and signing of the minutes of the Council's Special Meeting No. 04/2013-14 held on 05.08.2013.	Minutes Confirmed.
03 (A-09)	C/o Building for indoor GIS Switchgear of ESS Kidwai Nagar. SH :	Resolved by the Council that the survey report with a written off amount of

	Survey Report regarding demolition of existing structure of ESS Kidwai Nagar.	<p>₹90,990/- (Rs. Ninety thousand nine hundred ninety only) and reserve price of ₹ 55,932/- (Rs. Fifty five thousand nine hundred thirty two only) is accepted and be written off from the books on account of demolition of the existing structure.</p> <p>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.</p>
04 (C-12)	Reconstitution of Committees u/s 9 of NDMC Act 1994.	<p>Resolved by the Council that the constitution of three sub-committees u/s 9 of NDMC Act, 1994, as proposed in para 4 of the preamble is approved.</p> <p>The Council also authorized the Chairperson to fill up vacancies in these Committees as and when such vacancy may occur.</p>
05 (A-10)	S/R of roads in NDMC area during 2012-13. SH: Resurfacing of lanes by lanes in jurisdiction of R-V Division. (Award of work)	<p>Resolved by the Council to accord approval for acceptance of the lowest offer of M/s. A.S. Infratech @13.60% below the estimated cost of ₹2,50,27,576/- (Rs. Two crore fifty lacs twenty seven thousand five hundred seventy six only) against the justification of 8.20% above the estimated cost with the tendered amount of ₹2,16,24,144/- (Rs. Two crore sixteen lacs twenty four thousand one hundred forty four only) which is 20.15% below the justified cost, for the work "S/R of Roads in NDMC Area. SH:- Resurfacing of lane by lane in jurisdiction of R-V division."</p> <p>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.</p>
06 (G-02)	DERC tariff orders for Retail Electricity Supply in NDMC area with effect from 01.08.2013.	Resolved by the Council that keeping in view the provision made under section 64 of Electricity Act 2003 and to give relief for the weaker section of the society, approval is accorded to give 10% rebate w.e.f 01.08.2013 linked with prompt payment to all

		domestic consumers of slab -1 i.e. those who are consuming electricity upto 200 units per month.
07 (A-11)	Re-development of Kidwai Nagar (East), GPRA Project – Type II quarters to be provided by NBCC/MoUD to NDMC on the basis of area available and FAR being utilized by the NBCC and provision of equivalent area as it exists for Commercial & Social infrastructures like Schools, Barat Ghar, Markets, Community Centre etc.	<p>Resolved by the Council that :-</p> <p>(i) Approval is accorded for the proposal of NBCC/MoUD for provision of 80 Nos. of flats in one tower containing 90 flats against the enhanced FAR in respect of various NDMC assets.</p> <p>(ii) To accord administrative approval and expenditure sanction amounting to `8,00,32000/- (Rs. Eight lacs thirty two thousand only) for payment to NBCC on account of purchase of 10 Nos. of Type II flats under Re-development of Kidwai Nagar (East), GPRA project. Permission is also accorded to pay the exact amount on final area of the flats for 10 quarters after the same is received from NBCC. The expenditure may be charged to chart of Account 4124005 "Const. of Type-I multistoried flats at Bapu Dham Housing Complex. Further it was directed that on receipt of the budget in relevant head the required re-appropriation may be carried out.</p> <p>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.</p>
08 (A-12)	Construction of Service Centre at Fire Brigade Lane, New Delhi. (Composite work)	Resolved by the Council that to accept the lowest tender of M/s. Naresh Kumar Gupta & Co. Pvt. Ltd. and to award the work to M/s. Naresh Kumar Gupta & Co. Pvt. Ltd. on the quoted amount of `3,85,18,480/- (Rs. Three crore eighty five lacs eighteen thousand four hundred eighty only) which is 12.81% below the estimated cost of `4,41,80,161/- (Rs. Four crore forty one lac eighty thousand one

		<p>hundred sixty one only) and 9.56% below the justified cost of tender for 'Construction of Service Centre at Fire Brigade Lane, New Delhi (Composite work).</p> <p>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.</p>
09 (G-03)	Rationalization of Water Tariff in respect of Dhobi Ghats in NDMC area.	<p>Resolved by the Council that the rationalized tariff, as proposed by the Department in para 4 of the preamble, be implemented from September, 2013 billing cycle.</p> <p>It was further resolved by the Council that the consumers may be permitted to pay the outstanding arrears, amounting to `2.69 crores (Rs. Two crore sixty nine lacs only) including surcharge, within a maximum period of ten years. Modalities for this scheme would be worked out by the department.</p> <p>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.</p>
10 (C-13)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. (For information of the Council)	Information noted.
11 (C-14)	Action Taken Report on the status of ongoing schemes/works approved by the Council. (For information of the Council)	Information noted.
12 (S-05)	Major penalty proceedings initiated against Sh. D.R.Kori, E.E (D/S) (Elect.), (Retired on 31.12.2012), Electricity Department, NDMC, New Delhi.	Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of one year on the charged officer, Sh. D.R. Kori, EE (C/S) (Elect.) (Retired on 31.12.2012).

13 (S-06)	Major penalty proceedings initiated against Sh. Chattar Singh, Jointer 1 st Grade, (Retired on 31.12.2008), Electricity Department, NDMC, New Delhi.	Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of two years on the charged officer, Sh. Chattar Singh, Jointer 1 st Grade, Elect. Deptt. (Retired on 31.12.2008).
14 (S-07)	Grant of sanction for initiating Major penalty proceedings against Sh.P.P. Dhanetia, E.E(D/N) (Elect.), (Retired on 31.10.2011), Electricity Department, NDMC, New Delhi.	Considering the facts of the case in totality the Council unanimously resolved to express its displeasure on the charged officer, Sh.P.P. Dhanetia, E.E(D/N) (Elect.), (Retired on 31.10.2011).
15 (S-08)	Major penalty proceedings initiated against Sh. Jai Bhagwan, Mistry, (retired on February, 2006).	Considering the facts of the case in totality the Council unanimously resolved to impose a penalty of 5% reduction in pension for a period of one year on the charged officer, Sh. Jai Bhagwan, Mistry, (retired on February, 2006).
	Addendum to Item No. 9 bearing the name, "Rationalization of Water Tariff in respect of dhobi ghats in NDMC area.	Added with the original Item and discussed along.
16 (N-01)	Annual Estimate for the Maintenance of Parks and Gardens 2013-14.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `963 Lacs (Rs. Nine crore sixty three lacs only) for the work of Maintenance of Parks & Gardens during 2013-14. 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.
17 (N-02)	Annual Estimate for the Maintenance of CPWD Colony Parks and 2013-14.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `542.97 Lacs (Rs. Five crore forty two lacs ninety seven thousand only) for the work Maintenance of CPWD Colony Parks during 2013-14. 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.
18 (A-13)	De-silting and Rehabilitation of old sewer line in NDMC area.SH:- Desilting / cleaning of sewer lines by super sucker machine in NDMC area (Phase-III).	Resolved by the Council to accord administrative approval and expenditure sanction amounting to `2,27,11,000/- (Rs. Two crore twenty seven lacs eleven thousand only) for the work of "De-silting and Rehabilitation of old sewer line in NDMC area. SH:- Desilting / cleaning of sewer lines by super sucker machine in NDMC area (Phase-III)". 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.
19 (A-14)	Purchase of water tankers/trolleys. Sub Head:- Supply of 10 nos. water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room, Kali Bari Marg, New Delhi.	Resolved by the Council to accord administrative approval and expenditure sanction to the estimate amounting to `2,98,50,000/- (Rs. Two crore ninety eight lacs fifty thousand only) for purchase of 10 nos water tankers made of stainless steel tank (9 K.L Capacity) for Water Supply Control Room at Kali Bari Marg, New Delhi.
20 (B-03)	Estimate for Providing Mechanized Facility Management Services at NDCC Phase-II Block-C.	Resolved by the Council to accord administrative approval and expenditure sanction to the detailed estimate, amounting to `3,06,77,308/- (Rs. Three crore six lacs seventy seven thousand three hundred eight only) for the work of Providing Mechanized Facility Management Services at NDCC Phase-II, Block-C. 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.
21 (S-09)	Adoption of Integrity Pact in tendering matter in NDMC.	Resolved by the Council to accord approval for adoption of Integrity Pact and Independent External Monitors (IEMs) in cases of contracts Entered into by

		NDMC having a threshold value of more than Rupees Fifty Lakhs or more.
22 (A-15)	Sub: - S/R of Roads in NDMC area. SH: - Riding Quality Improvement Programme (Phase-IV) Micro surfacing.	<p>With the permission of the Chair, the Chief Engineer (C-I) briefed the Council about the project and the facts related thereon and also clarified some of the typographical and other errors. The brief is enclosed as Annexure "I".</p> <p>After detailed deliberations, it is resolved by the Council to accord approval to award the work to the single bidder i.e. M/s INCKAH Infrastructure Technologies Pvt. Ltd. which is 6.35% below the estimated cost of ` 10,75,46,145/- (Rs. Ten crore seventy five lacs forty six thousand one hundred forty five only) against the justification of 4.84% above the estimated cost with the tendered amount of ` 10,07,13,045/- (Rs. Ten crore seven lacs thirteen thousand forty five only) for the work of "Strengthening and Resurfacing of Roads in NDMC area, SH: Riding Quality Improvement Programme Phase – IV Microsurfacing.</p> <p>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.</p>

Sd/-
(VIKAS ANAND)
SECRETARY

Sd/-
(JALAJ SHRIVASTAVA)
CHAIRPERSON / PRESIDING OFFICER

Brief by CE(C-I) on Agenda No. 22 (A-15) of Council Meeting dated 4th Sep., 2013

The CE(C-I) informed that the bid of only single eligible bidder i.e. M/s Inckah Infrastructure Technologies Pvt. Ltd. was opened. The note given by F.A. on this agenda vide No. 935/PS/FA/D/2013 dated 03.09.2013 was also explained to the Council. The issue of acceptance of single tender, rejection, recall was deliberated and it was explained to the Council that as per CPWD Manual, the acceptance of single tender is allowed, however, the power to accept the single tender are lower as compared to acceptance of normal tender. But in this case, the power is with the Council, in case of normal tender as well as single tender. The reasons are to be recorded in guarding against the contractor holding out unjustifiably higher rates. In this case, the rate quoted by the lowest agency is 10.68% below the justified rates. Hence the rates are reasonable.

The tender condition of two machines of less than five years of age was also discussed and it was brought to the notice of the Council that it is as per past practice in NDMC area considering the sensitivity and importance of the area and any breakdown of machinery on NDMC roads are not considered desirable. Moreover the working hours are also restrictive. In fact, the matter was also defended in the WP(C) No. 6784/2008 before the Hon'ble High Court in a similar matter.

Further, it was also brought to the notice of the Council that, of the two firms' viz. M/s Inckah and M/s Lomash Slurrytech Pvt. Ltd., the latter was disqualified as not fulfilling the criteria of Bank Solvency in technical bid. Furthermore, M/s Lomash Slurrytech Pvt. Ltd., which was otherwise disqualified due to submission of insufficient bank solvency, is having two machines of Micro surfacing and one machine is registered with the Transport Deptt., UP in January 2008 and second machine registered with Gurgaon, Haryana in July, 2009. It was deemed/ considered that

machines are within the span of five years as required in the NIT, since no cutoff date was mentioned in NIT yet it can be considered on that count either way.

Sd/-
Er. ANANT KUMAR
C.E(C-I)

ITEM NO. 02 (K-02)**1. Name of the Project / Subject:**

Refund of user charges in case of Cancellation / Postponement of booking of Talkatora Indoor Stadium, New Delhi.

2. Name of Department:

Welfare Department

3. Brief History of the Project:

The user charges and other terms and conditions for the booking of Talkatora Indoor Stadium were approved by the Council Vide its Reso. No. 04(k-03) dated 14/01/2011.

It is to submit that at the time of passing the above said resolution, the condition for refund of user charges against the cancellation / postponement of booking of Talkatora Indoor Stadium couldn't included in the agenda.

Further, it is submitted that the Talkatora Indoor Stadium was booked in the favour of All India Freedom Fighters Organization Vide their request dated 26/11/2010 for 31/01/2011 & 01/02/2011 on the usual terms and conditions. Thereafter, a letter dated 27/01/2011 vide which the above said organization had requested for cancellation of the said booking.

Accordingly, the file was sent to LA & Finance Department for their concurrence in the matter. The LA has observed as under:-

"There is no bar from of refund of user charges, after deducting upto 25% if Finance agrees for the same and concurrence of finance and put up to Chairperson for sanction, please".

The observation of Finance Department has been given as under:-

"However, it is advised that necessary changes/ amendments in the policy guidelines for booking of TIS be made for such cases in future. While incorporating such amendments/ Changes in this regard, the deptt. may take the time factor. For example if the booking is cancelled 24-48 hours/1-2 days before the event, the maximum portion

should be deducted and if the cancellation is done a week or fortnight before the event upto 25% amount be deducted and if the cancellation is done a month before the function, then refund of 90% of the booking is permitted”.

Thereafter, the file was sent to Chairperson for seeking permission of refund of user charges as per advised of the LA & Finance Department and same was approved by the Chairperson and the cheque of Rs. 1,43,750/- was given to the said organization on a/c of refund of booking charges.

In the meantime, on another case for refund of booking charges has been put up wherein the LA & Finance Department has advised that the user charges on a/c of cancellation of booking of TIS should be policy/guideline and it should be resolved by the Council.

Accordingly, the following proposal was submitted.

S.No.	Time period for Notice of Cancellation/postponement	User Charges	Security deposit/ AC charges/ Advertisement Charges	Service Tax
1.	15 days and above	10%	No deduction	100%
2.	3-14 days	25%	No deduction	100%
3.	Less than 2 days	90%	No deduction	100%

Director (Welfare) vide his note dated 16.05.2012 sent the case to Finance for occurrence.

The Finance Department concurred the proposal. It was also mentioned therein that the department may obtain advice from L.A.

The Law Department has given their observation as under:-
“What are the terms for cancellation charges in Bharat Ghars”.

The terms and conditions for booking of Barat Ghars vide Reso. No. 18 (K-01) dated 16/06/2010 in which the term for refund of user charges was proposed as under:-

“(xiv) the refund of user charges on the cancellation of booking of the barat ghar shall not be made except in very exceptional circumstances which are beyond the control of the person booking the barat ghar and such refund shall be made under the order of Chairperson after deducting such amount (which shall not be less than 25%) as the Chairperson may deem fit after consultation with the Finance Department. If due to any reason including security reasons, the booking of barat ghar would be cancelled by the available and if it is not available or is not accepted by the person booking the barat ghar, 100% refund for the user charges, security deposit and electric consumption charges shall be made.

(xv) The refund of electricity and security deposit on cancellation of booking shall be made by NDMC”.

The Department also mentioned that the following points should be considered with regard to the cancellation of booking of Talkatora Indoor Stadium:-

- (i) The booking of Talkatora Indoor Stadium have different criteria, different financial implications and the different circumstances of cancellation of booking.
- (ii) Due to security reasons or any other reasons we are not in position to offer the booking party any other alternate
- (iii) The Barat Ghars mostly user for marriage purpose and the marriages are very exceptionally cancelled.

The case was submitted to L.A. for advice. Law Department returned the case with the remarks as under:-

“Follow A & C where cancellation sought by party who has booked. No deduction if cancellation is by NDMC pl. as at B & C.”

As per the observation of Law Department the case was accordingly proposed.

The case was again discussed on 12/10/2012 with Director (Welfare) as under:

1. The Talkatora Indoor Stadium cannot be compared with Barat Ghars as Stadiums have different criteria, different financial implications and the different circumstances of cancellation of booking.
2. It was also discussed that most of the Stadiums are under "Sports Authority" of India and the comparison should be between the Stadiums.

Hence it is proposed that as per the policy of 'Sports Authority of India' refund of user charges against the cancellation / postponement of booking of Talkatora Indoor Stadium should be fixed.

4. HIRE CHARGES OF TALKATORA INDOOR STADIUM

Category	Particulars	User Charges	Additional Charges
A	Tournament/ Sport Functions	Rs. 15000/- Per Day	(i) A/C Charges Rs. 30,000/- Per Day (ii) Air Circulation without Cooling Rs. 10,000/- Per Day (iii) Displaying Advertisement Rs. 10,000/- Per Day
B	Functions other-than Sports (Non-Commercial), AGM, Social Meetings of registered NGO's, Social Day Functions	Rs. 50,000/- Per Day	(i) A/C Charges Rs. 30,000/- Per Day (ii) Air Circulation without Cooling Rs. 10,000/- Per Day (iii) Displaying Advertisement Rs. 10,000/- Per Day
C	Commercial Programme such as Exhibition Fashion Show, Cultural Programme, Kavi Samelan, Business Seminar, Political Meetings, Religious Functions etc.	Rs. 1,25,000/- Per Day	(i) A/C Charges Rs. 50,000/- Per Day (ii) Air Circulation without Cooling Rs. 15,000/- Per Day (iii) Displaying Advertisement Rs. 10,000/- Per Day

Note :-

1. If the function is for more than a day, 10% increase in the user charges for every additional day.

2. **Security Deposit :- 50% of the User Charges for a day.**
3. **Service Tax :- As Applicable.**

D	Refund of user charges in case of Cancellation / Postponement
	As per the policy of Sports Authority of India, the refund of user charges are proposed as below.

S.No.	Particulars	Cancellation Forfeiture	Postponement	Security Deposit / AC Charges / Advertisement Charges	Service Tax
1.	More than one month before the programme	10%	5%	No deduction	100%
2.	More than seven days before the programme	25%	10%	No deduction	100%
3.	Less than seven days	50%	25%	No deduction	100%
4.	Same day	100%	100%	No deduction	100%
5.	If due to any reason including security reasons, the booking of Talkatora Indoor Stadium would be cancelled by NDMC then the available date will be offered to user and if it is not available or is not accepted by the person booking the Talkatora Indoor Stadium, 100% refund for the user charges, security deposit and electric consumption charges (A/c cooling) shall be made.				

5. Financial implication of the proposed project/subject

This item only for cancellation/ Postponement charges of booking of Talkatora Indoor Stadium.

6. Implementation schedule with timeliness for each stage including internal processing

The refund against Cancellation of booking of Talkatora Indoor Stadium will apply since November 2010, as so many cases of cancellation are still pending.

7. Comments of the Finance Department on the subject:

Finance has no objection on the proposal of the Department regarding cancellation charges of booking of Talkatora Indoor Stadium. However, the Department may obtain advice from L.A. whether to place it before the Council. Once approved, the Department is advised to provide the booking charges for various, other terms & conditions including the cancellation charges on the NDMC website in public domain.

8. Comments of the Department on comments of the Finance Department:

No comments required.

9. Legal implication of the subject/project:

No Legal implication.

10. Detail of previous Council Resolutions, existing law of parliament and Assembly on the subject.

Resolution No. 04 (K-03) dated 14th January, 2011.

11. Comments of Law Department:

"What are the terms for cancellation charges in Barat Ghars"

12. Comments of the Department on the comments of the Law Department:

- i. The Talkatora Indoor Stadium cannot be compared with Barat Ghars as Stadiums have different criteria, different financial implications and the different circumstances of cancellation of booking.
- ii. It was also discussed that most of the Stadiums are as under "Sports Authority" of India and the comparison should be between the Stadiums.

13. Certificate regarding CVC guideline:

Not applicable

14. Recommendation:

The charges as proposed in Column 3 of Para (4) above are recommended for approval of the Council and to charge the same in anticipation of confirmation of the minutes of Council Meeting.

15. Draft Resolution:

Resolved to approve the proposal as proposed in para 4 of the agenda.

COUNCIL'S DECISION

Resolved by the Council to approve the proposal as proposed in para 4 of the agenda, subject to condition that the word 'Kavi Samelan & Cultural Programme' be deleted from serial No. C para 4 and added in serial No. B at para 4.

ITEM NO. 03 (O-02)**1. Name of the subject / project**

Annual Report of the Standing Committee on Audit in NDMC for the year 2012-13.

2. Name of the Department / Departments concerned

Office of the Chief Auditor

3. Brief history of the subject / project

Section 59 of the New Delhi Municipal Council Act 1994 envisages that

- i) As soon as may be after the commencement of each year, the Chief Auditor shall deliver to the Council a report of the entire accounts of the Council for the previous year.
- ii) The power of the Chief Auditor with regard to the disapproval of, and the procedure with regard to the settlement of objections to expenditure from the revenues of the Council shall be such as may be prescribed by the Chairperson in consultation with Chief Auditor, and with the approval of the Council.

The Council in its meeting held on 8 February 2005, decided to evolve a suitable mechanism for expeditious settlement of outstanding paragraphs of AARs by appointing a Committee with appropriate representation.

In pursuance of above decision, a Standing Committee on Audit in NDMC was constituted under section 9 of the NDMC Act, 1994 vide Council Resolution No. 9(0-2) dated 27 May 2005 to consider the Annual Audit Reports of the Chief Auditor. The Committee in its first meeting decided that a consolidated report containing recommendations of the Committee will be presented to the Council annually by the Chief Auditor. Therefore, the

Report for the year 2012-13 duly adopted by the Committee on 27.08.2013 is being presented in this Council meeting. **(See pages 18 - 41)**

4. Detailed proposal on the subject / project

The Standing Committee on Audit in NDMC in its meetings held during the year 2012 – 2013 considered follow up actions by Finance and Accounts Department, Public Health Department, Civil Engineering Department, Estate-I Department, Property Tax Department, Education Department, Architect and Environment Department, Welfare Department, Security Department, Samaj Kalyan Samiti, Enforcement Department, Fire Department, Electricity Department, Commercial Department, Information Technology Department, General Administration Department and Horticulture Department.

The Committee recommended settlement of 117 outstanding paragraphs, 31 Sub paragraphs and 2 part paragraphs of the above mentioned Departments pertaining to Annual Audit Reports for the years ended March 1997 to March 2009. Finance and Accounts Department (51 paragraphs + 12 Sub paras), Public Health Department (10 paragraphs), Civil Engineering Department (11 paragraphs), Estate-I (7 paragraphs + 1 sub para), Property Tax Department (1 paragraph + 1 part para), Education Department (1 paragraph + 6 sub paras) , Architect and Environment (2 paragraphs + 1 sub para), Welfare Department (1paragraph), Security Department (1 paragraph), Samaj Kalyan Samiti (2 paragraphs), Enforcement Department (10 paragraphs + 8 sub paras + 1 part para), Fire Department (3 paragraphs), Electricity Department (4 paragraphs), Commercial Department (3 paragraphs + 3 sub paras), Information Technology Department (2 paragraphs), General Administration Department (2 paragraphs) and Horticulture Department (6 paragraphs).

5. Financial implications of the proposed project / subject

NIL

6. Implementation schedule with timelines for each stage including internal processing

Not applicable

7. Comments of the Finance Department on the subject with dairy no. & date

Not applicable as the Draft Agenda Item relates to presentation of Report of the Standing Committee on Audit in NDMC.

8. Comments of the Department on comments of Finance Department

Not applicable

9. Legal implication of the subject / project

NIL

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject

The details of previous Council Resolutions on the subject are as under:

- (i) Item No.8 Dated 10.02 1999
- (ii) Item No. 8 (0-4) Dated 08.02.2005
- (iii) Item No. 11 (0-8) Dated 03.03.2005
- (iv) Item No. 9 (0-8) Dated 27.05.2005
- (v) Item No. 4 (0-5) Dated 15.12.2005
- (vi) Item No. 7 (0-2) Dated 20.06.2007
- (vii) Item No. 09 (0-3) Dated 18.06.2008
- (viii) Item No. 08 (0-01) dated 21.08.2009
- (ix) Item NO. 09 (0-04) dated 31.01.2013

11. Comments of the Law Department on the subject / project

Not applicable

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

Not applicable

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

Not applicable

14. Recommendation

The Report of the Standing Committee on Audit in NDMC may be presented to the Council

15. Draft Resolution

Information noted. The Council directed the concerned Departments that the compliance of recommendations of the Standing Committee on Audit in NDMC may be reported to the Chief Auditor for further examination by the Standing Committee on Audit in NDMC.

COUNCIL'S DECISION

Information noted. The Council directed the Departments concerned that the compliance of recommendations of the Standing Committee on Audit in NDMC may be reported to the Chief Auditor for further examination by the Standing Committee on Audit in NDMC.

Annexures

18 – 41

Annexure edns

ITEM NO. 04 (O-03)**1. Name of the subject/project**

Annual Audit Report for the year ended March 2011

2. Name of the Department/Departments concerned

Office of the Chief Auditor

3. Brief history of the subject/project

The Annual Audit Report for the year ended 31 March 2011 has been prepared in terms of Section 59 (17) of the New Delhi Municipal Act, 1994 for presentation before the Council.

4. Detailed proposal on the subject/project

The office of the Chief Auditor was created in September 1996 vide Council Resolution No.3 (V) dated 19.8.1996. The office has so far presented fourteen Annual Audit Reports before the Council as detailed below:

S.No.	Report for the year end	Date of Presentation
1	March 1997	10 February 1999
2	March 1998 &1999	23 March 2001
3	March 2000	8 August 2002
4	March 2001	31 October 2003
5	March 2002	2 July 2004
6	March 2003	27 April 2005
7	March 2004	15 December 2005
8	March 2005	15 November 2006
9	March 2006	22 August 2007
10	March 2007	20 August 2008
11	March 2008(Reviews)	18 February 2009
12	March 2008	24 February 2010
13.	March 2009	20 April 2011
14.	March 2010	28 February 2013

Present proposal is for presentation of fifteenth Annual Audit Report for the year ended March 2011. **The report will be tabled in the meeting.**

The Annual Audit Report basically highlights the following:

1. Financial status of NDMC.
2. Deficiencies in accounting system and budgetary control.
3. Audit comments on financial transactions of NDMC.
4. Performance review on Investment Decisions of New Delhi Municipal Council

5. Financial implications of the proposed project/subject

Nil

6. Implementation schedule with timeliness for each stage including internal processing

Not applicable

7. Comments of the Finance Department on the subject

Not applicable as the Draft Agenda Item relates to presentation of Annual Audit Report, which is a statutory audit function envisaged in NDMC Act, 1994.

8. Comments of the Department on comments of Finance Department

Not applicable.

9. Legal implication of the subject/project

Nil

10. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject

The details of previous Council Resolutions regarding presentation of Annual Audit Reports are as under:

- (i) Item No.1 dated 10.2.1999
- (ii) Item No.3 (xii) dated 23.3.2001
- (iii) Item No.3 (xxx) dated 8.8.2002
- (iv) Item No.11 (0-4) dated 31.10.2003
- (v) Item No.11 (0-2) dated 2.7.2004
- (vi) Item No.13 (0-1) dated 27.4.2005
- (vii) Item No.05 (0-6) dated 15.12.2005
- (viii) Item No. 08 (0-1) dated 15.11.2006
- (ix) Item No. 09 (0-3) dated 22.08.2007
- (x) Item No. 09(0-4) dated 20.08.2008
- (xi) Item No. 07(0-8) dated 18.02.2009
- (xii) Item No. 17(0-05) dated 24.02.2010
- (xiii) Item No. 16(0-01) dated 20.04.2011
- (xiv) Item No. 08(0-05) dated 28.02.2013

11. Comments of the Law Department on the subject/project

Not applicable, since the Draft Agenda Item is for presentation of Annual Audit Report on the accounts of the Council as part of statutory audit function envisaged in NDMC Act, 1994.

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

Not applicable.

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

Not applicable

14. Recommendation

The Annual Audit Report on the accounts of the Council for the year ended March 2011 may be presented to the Council.

15. Draft Resolution

“Information noted. The Council further decided that the reply (Action Taken Note) to the paras of the Annual Audit Report may be furnished by the Departments to the Chief Auditor within six weeks so that the Chief Auditor may place the same before the Standing Committee on Audit in NDMC along with his recommendations”.

COUNCIL'S DECISION

Information noted. The Council further decided that the reply (Action Taken Note) to the paras of the Annual Audit Report may be furnished by the Departments to the Chief Auditor within six weeks so that the Chief Auditor may place the same before the Standing Committee on Audit in NDMC along with her recommendations.

ITEM NO. 05 (B-04)**1. NAME OF THE SUBJECT/PROJECT:**

Name of Work: Addition / Alteration of electrical installations in various Municipal Buildings.

Sub Head: Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area).

2. DEPARTMENT: Electricity Department**3. BRIEF HISTORY OF PROPOSAL:**

On the basis of sanctioned estimate by the Council vide Reso. Item No.05(B-01) dtd. 21.04.2010 amounting to `2.74 crores, for the work of Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings in NDMC area, tenders were invited through e-procurement solutions. In the first call total 3 firms responded but after scrutiny of techno commercial bid, only one firm namely M/s PAN Intellectom Ltd. was found eligible. The case was accordingly processed for award of work but, was rejected by the Council vide Reso. Item No.10(B-36) dtd. 14.01.2011, as there was only one bidder against open tenders in the first call. Further, Chairperson NDMC in a zonal officers meeting held on 23.04.2012 desired to incorporate installation of CCTV cameras in various 66/33/11 KV Substations besides Municipal buildings. Accordingly, the estimate was revised having estimate amounting to `5,11,33,734/- and was got sanctioned from the Council vide Reso. Item No.03 (B-11) dtd. 27.09.12.

Further, tenders were again invited through e-procurement solutions. In the second call, 7 bidders submitted EMD and the techno commercial bid was opened. After scrutiny of the techno commercial bid, the tenders was dropped due to requirement to incorporate 30 days storage capacity in place of 7 days as per the guidelines of MHA.

The following buildings/ ESS were identified for installation of CCTV Cameras:

1. Palika Bhawan Commercial Complex
2. Yashwant Place Commercial Complex

3. Chanakya Bhawan
4. Chanderlok Building
5. Mohan Singh Place
6. Shaheed Bhagat Singh Place
7. Palika Place
8. Lok Nayak Bhawan
9. 66 KV Electric Sub-stations at Vidyut Bhawan, School Lane and State Guest House.
10. 33 KV Sub-stations at Vidyut Bhawan, Race course, AIIMS, Dalhausie Road, Kidwai Nagar, Nehru Park, Baird Lane, Electric Lane, Tilak Marg, Connaught Place, Raisina Road and Netaji Nagar.
11. 11 KV Sub-stations at Aurbindo Marg, Gole Market, Moti Bagh (West), I Block Sarojini Nagar and Bharti Nagar.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT:

By giving due publicity as per codal rules, item rate tenders were invited through e-procurement solutions for 3rd call. In the 3rd call total 8 firms responded who submitted EMD and the time of tender opening fixed on 17.05.2013 at 3 PM. Out of 8 firms 5 firms fulfilled the eligibility criteria and accordingly with the approval of CEE, price bid of the following firms were opened on 13.06.2013.

1. M/s. Avana Integrated Systems Ltd.
2. M/s. Estex Telecom Pvt. Ltd.
3. M/s. Nelco Ltd.
4. M/s. (n) code Solutions, GNFC Ltd.
5. M/s. PAN Intellectcom Ltd.

The status of eligible firms is as under:

S. No	Name of Firm	Computed Cost	5 Years AMC Cost	Capitalized Cost	% above/below the Estimated cost of 4,85,31,761/-	Status
1.	M/s Estex Telecom Pvt. Ltd.	3,83,88,218/-	37,50,000/-	4,21,38,218/-	13.17% below	L-2
2.	M/s Gujrat Narmada Valley Fertilizers Co. Ltd. (n) Code	3,40,03,075/-	1,19,00,895/-	4,59,03,970/-	5.41% below	L-3

	solution					
3.	M/s Nelco Ltd.	5,70,70,359/-	1,13,07,159/-	6,83,77,518/-	40.89% above	L-5
4.	M/s PAN Intellectom Ltd.	3,86,42,387/-	97,50,000/-	4,83,92,387/-	0.29% below	L-4
5.	M/s Avana Integrated Systems LTD.	3,44,76,165/-	32,33,000/-	3,77,09,165/-	22.30% below	L-1

From above, it is revealed that M/s. Avana Integrated Systems Ltd. has quoted lowest amount for Schedule of quantity 'A' and Schedule of quantity 'B' in totality (capitalized cost). Therefore, the firm M/s. Avana Integrated Systems Ltd. emerged as L-I firm which had quoted total capitalized cost of Rs.3,77,09,165/- which is 22.30% below the estimated cost of Rs.4,85,31,761/-.

The total computed cost quoted by L-1 firm is Rs.3,44,76,165/- which is 28.96% below the estimated cost put to tender of Rs.4,85,31,761/- and 16.30% below the justified cost of Rs.4,11,90,460/-. The case has also been examined by Planning Division, AO(Elect.) and subsequently concurred by Finance Department.

6. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT /SUBJECT

Cost of the work of SITC of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area is **Rs.3,44,76,165/-** (Rupees Three crores forty four lacs seventy six thousand one hundred sixty five only) and Annual Maintenance Contract for 5 years after completion of defect liability period of 3 years is **Rs. 32,33,000/-** (Rupees Thirty Two lacs Thirty Three Thousand only)

7. IMPLEMENTATION SCHEDULE WITH TIMELINES OF EACH STAGE INCLUDING INTERNAL PROCESSING:

Award of work: One month.

Completion of work: 12 months

Total : 13 months

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:

The Deptt at P-98/N proposed to award the above said work to the L-1 tenderer on the basis of computed cost i.e excluding AMC component which is not in accordance with the terms and conditions of the NIT if AMC component excludes, then the L-3 become L-1. As per the Amendment Sheet enclosed in the NIT file the e-valuation of tender shall be done on the basis of rates quoted in schedule of quantity A & B in totality. Hence deptt is hereby advice to visit their proposal for Award of work.

There seems to be no relevancy to increase the amount of Estimated Cost put to tender after the opening after the opening of tender in question which amounts to be cost development action which is not permissible as per the provision of CPWD Manual 2012. Further the deptt has floated the tender after incorporating the Amendment made by TEC at P-77/N vide S. No. 4 which pertains to the AMC portions. Since the tender/quoted/ cost is well within the approved AA&ES, the AMC components which was the part of approved NIT and is within 10% of approved AA&ES, needs only to be approved by the Competent Authority i.e Council, to regularize the action of a TEC. Further the assurance may be recorded by the deptt that following discrepancies may be specially to the point replied /cleared before processing the case to the Component Authority:-

- 1) A certificate of concerned accountant needs to be recorded vide Section no.20.2.2 of CPWD manual on the downloaded copies of the comparative Statements.
- 2) All the documents i.e Technical /Price Bid may be authenticated by putting signatures with their designation, which prove that bid was evaluated inclusive of AMC component.
- 3) The rates quoted by the firm for the comprehensive AMC for 5 years after completion defect liability period of 3 years, are a non-severable part to the bid on the basis of which the L-1 firm is being decided, therefore the AMC has to be an integral part of the agreement to be executed at the time of award. Which needs clarification/ certification by the deptt.
- 4) Since L-1 is being decided on the basis of rates quoted in schedule of quantity a & B in totality as per the terms & conditions of NIT. What safeguard mechanism has been taken in the interest of the NDMC by the deptt to ensure that after the defect liability period of 3 years is over (X on 97/N) the firm will execute the AMC. As per the reply submitted by the deptt at P-102/N vide para no.12 that the Security deposit so deducted as per the agreement shall be released on after the supplementary agreement for 5 years comprehensive AMC is established. In this scenario the deptt is advised to retain the proportionate amount of Security deposit pertaining to the AMC cost.
- 5) The Deptt reconsider their proposal of award the work excluding AMC components which resulted to become L-3 to L-1. Pl. specify.

- 6) Validity of rates needs to be extended by the L-1 firm.
- 7) The deptt may brought on record the compliance of standing order no.14/2005-06 dated 11.04.2005.

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:

The award the above cited subject work has been proposed at the computed cost (i.e. Schedule of Quantity 'A' excluding AMC) quoted by the L-1 tenderer, evaluated on the basis of lowest capitalized cost (i.e. Schedule of Quantity 'A' and 'B' in totality) which is completely in accordance with the amendments of the NIT.

The estimated cost remains same. However, the AA&ES for the AMC portion (Schedule of Quantity 'B') shall be obtained from the competent authority before award of Annual Maintenance Contract to the L-1 firm.

Further, Point wise reply to the observations of Finance is as under:-

1. The concerned Accountant has accorded certificates as per section 20.2.2 of CPWD manual on the downloaded copies of comparative statements, placed in the price bid file at pages 59/C & 61/C.
2. Needful done.
3. It is certified that the AMC portion of the L-1 firm shall be an integral part of the agreement to be executed at the time of award of work.
4. The AMC contract shall not be awarded now and only the Schedule of quantity 'A' for SITC work at the total computed cost of L-1 firm shall be awarded. But, the rates for comprehensive AMC quoted by the L-1 firm shall be incorporated in the award letter and agreement of SITC work (Schedule of Quantity 'A'). The comprehensive AMC for 5 years shall be awarded separately to the L-1 firm after completion of defect liability

period of 3 years on the basis of the rates quoted by L-1 firm in the instant bid submitted. However, as suggested by Finance Department, the proportionate amount of security deposit pertaining to AMC cost shall be retained. By this mechanism it will be ensured that the firm will execute AMC for 5 years after the defect liability period.

5. The award the above cited subject work has been proposed at the computed cost (i.e. Schedule of Quantity 'A' excluding AMC) quoted by the L-1 tenderer, evaluated on the basis of lowest capitalized cost (i.e. Schedule of Quantity 'A' and 'B' in totality) as per the amendments of the NIT.
6. The L-1 firm M/s Avana Integrated system Ltd. has extended its validity of rates upto 13.01.2014, letter of L-1firm placed in the correspondence file no.2 at page 139/C.
7. The standing order no. 14/2005-06 dated 11.04.2005 has been complied with.

9. FINAL VIEWS OF FINANCE DEPARTMENT:

FD has no objection to the proposal submitted by the deptt to award the work order to L-1 tenderer on the basis of computed cost to the tune of Rs. 3,44,76,165/- for SITC work + for Rs. 32,33,000/- for AMC work (after completion of defect liability period) to M/s Avana Integrated System Ltd. With the assurance from the deptt that ex-post facto approval for AA&ES of AMC portion (Schedule of Quantity 'B') shall be obtained from the Competent Authority (i.e. Chairperson, NDMC) before awarding the work of SITC to the L-1 tenderer (Computed on the basis of schedule of quantity A&B in totality). Further, it is advised that to safeguard the NDMC interest in respect of AMC, following points needs to be incorporated in the main agreement pertaining to the SITC work:

1. The terms and conditions in respect of AMC portion as well as the amount quoted by the firm pertaining to the AMC portion may be incorporated in the main agreement to the main work i.e SITC of CCTV cameras in various Municipal buildings & ESS.
2. Since the firm M/s Avana Integrated System Ltd emerged (L-1) because of inclusive contract of AMC, the following points needs to be incorporated in the main agreement of SITC work.
 - i) Para 1 of page 74 of Nit stipulate guarantee/ warranty of three years. On the contrary security deposit is to be refunded after one years, after satisfactory completion of the work as per clause 7(d) of page 41 of NIT.

- ii) Finance department is of the view that security deposit be refunded only after guarantee/ warranty period/ defect liability period of three years, as it appears nothing to be in the hand of NDMC to safe-guard its interest during this intermittent period between one to three years as AMC will commence only after three years.
 - iii) As department has stated that AMC starts after three years of defect liability period, it is advisable that besides the performance guarantee for the AMC period it may also be explored that the 5% of security deposit component on account of AMC value can be recovered in advance so as to safe guard the interest of NDMC.
 - iv) Penalty clause in respect of any deficiency, non-compliance of AMC work by the firm may be incorporated in the main agreement including disciplinary action/risk and cost condition, to bind the firm for proper execution of the AMC.
- 3) As submitted by the deptt that as per the terms & conditions of NIT, the L-1 tenderer has emerged by considering lowest capitalized cost (i.e SITC work & AMC in totality). Therefore the L-3 firm can not become L-1. However, process of award of SITC work & AMC shall be implemented simultaneously along with their agreement to avoid any further litigation

10. FINAL COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT:

(1), (2, (i, ii, iii & iv)) of the observations of Finance are confirmed.

As observed by the Finance regarding approval for AA&ES of AMC portion, it is to mention that after completion of work & expiry of defect liability period of 3 years the Annual Maintenance Estimate for every year shall be made to upkeep the functioning of CCTV system in which there would be specific provision for comprehensive maintenance of CCTV. However, the case for AA&ES of the AMC for 5 years amounting to ` 32,33,000/- as advised by Finance, is also being put up before council for approval.

11. LEGAL IMPLICATION OF THE SUBJECT/PROJECT:

No legal implication is involved.

12. DETAILS OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT:

- 1) Estimate sanctioned by the Council vide Reso. Item No.05(B-01) dtd. 21.04.2010 amounting to `2.74 crores. (copy enclosed **Annexure 'A' See pages 52 - 53**)
- 2) 1st call of tenders rejected by the Council vide Reso. Item No.10(B-36) dtd. 14.01.2011(copy enclosed **Annexure 'B' See pages 54 - 55**)
- 3) Revised estimate amounting to ` 5,11,33,734/-sanctioned by the Council vide Resolution item no. 03(B-11) dt 27.09.2012 (copy enclosed **Annexure 'C' See pages 56 - 58**)

13. COMMENTS OF THE LAW DEPTT:- Nil

14. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT:- Nil

15. FINAL VIEW OF LAW DEPARTMENT :-

No legal implication.

16. CERTIFY THAT ALL CENTRAL VIGILANCE COMMISSION'S GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:

Certified that all central vigilance commission (CVC) guidelines have been followed while processing the case.

17. RECOMMENDATIONS:

The case may be placed before the Council for the following:

- i) Acceptance and approval to award work for Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area, to the L-1 firm i.e. M/s Avana Integrated Systems Ltd at their total quoted computed cost of ` 3,44,76,165/-
- ii) Acceptance and approval to award Annual Maintenance Contract for 5 years, to be commenced after completion of 3 years defect liability period, to the L-1 firm i.e. M/s Avana Integrated Systems Ltd at their total quoted amount of ` 32,33,000/-.

- iii) Administrative Approval & Expenditure Sanction of ` 32,33,000/- for Annual Maintenance Contract for 5 years.

Further, permission be also granted for taking further necessary action in anticipation of confirmation of the minutes of Council.

18. DRAFT RESOLUTION:

Resolved by the council that the approval is accorded to award the work to the lowest tender of M/s Avana Integrated Systems Ltd at their total quoted cost of ` 3,44,76,165/- (Rupees Three Crores Forty Four Lacs Seventy Six Thousand One Hundred & Sixty Five only) for the work of Supply, Installation, Testing & Commissioning of CCTV Cameras in various Municipal Buildings & Electric Sub-stations in NDMC area & Annual Maintenance Contract at their total quoted amount of ` 32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for 5 years in anticipation of confirmation of the minutes from the council. Further, Administrative Approval & Expenditure Sanction of `32,33,000/- (Rupees Thirty Two Lacs & Thirty Three Thousand only) for Annual Maintenance Contract of 5 years is also accorded.

COUNCIL'S DECISION

Item withdrawn.

Annexures 7 pages

Annexure ends

ITEM NO. 06 (B-05)

1. Name of Work: - Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area.

Tender ID No. 2013_NDMC_28315_1

Award of work ` 6,98,97,433/-

2. Department: - Electricity Department

3. Brief History of the Proposal: - The power supply system in NDMC area is through complex net work of underground cables. HT Cables of various rating and sizes are laid underground in the entire NDMC area by various divisions of electricity department namely M/N, M/S, C-I, C-II, C-III, C-IV, C-VI, M-33KV & M/F which are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid is assessed on the basis of quantity received from different divisions to be executed against the sanctioned schemes during the period of contract. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender.

The annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

4. Detailed proposal of the Subject: - Sealed percentage rate tenders were invited in two cover system from the contractors/firms registered with N.D.M.C. and having experience & valid contractor license through e-procurement solution for the work of Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including

supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area, by giving due publicity to the tender as per the codal provisions at an estimated cost of Rs.5,63,68,898/- put to NIT. To avoid monopoly & dependency on a single firm for work of this magnitude with due approval/NOC of the Finance & clearance from Vigilance, a clause was provided in the NIT to divide the work among L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% at the accepted rates of L-1 firm. It was also envisaged that in case any of the firm does not accept the offer, the corresponding proportionate share would be divided equally with the rest of the firms and EMD of such defaulting firm would be forfeited. However, during pre-bid conference, the participating firms objected to the forfeiture of EMD provision and accordingly, with due approval of competent authority, this provision was modified suitably to ensure healthy participation. In response to the tender enquiry, offers of the following three firms were received on due date of opening i.e.:28/01/2013.

1. M/s B.K. Power Enterprises
2. M/s Creative Entrepreneurs
3. M/s Nav Shakti Traders

The documents submitted by participating firms were examined in the division as well as in Planning Division and it was observed that all the above three firms fulfill the eligibility criteria as per terms, conditions & technical specifications of the NIT.

Subsequently, with due approval of CE (E-II), financial bids of the above three eligible firms were opened on 27-05-2013 and the position of the tendering firm emerged as under:-

S.No.	Name of firms	Quoted Amount (In `)	Remarks
1.	M/s Creative Entrepreneurs	6,98,97,433/-	25.25% below the justified rates (L-1)
2.	M/s B.K. Power Enterprises	7,10,24,811/-	24.05% below the justified rates (L-2)
3.	M/s Nav Shakti Traders	7,44,06,945/-	20.43% below the justified rates (L-3)

In view of above it is proposed to award the work to L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)

5. Financial Implication: - Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)

6. Implementation Schedule: - 12 Months

7. Comments of the Finance department: -

A) Diary No.1419/Finance Dated 19/07/2013

1. Department may place on record a copy of Preliminary estimate (PE) for the work. The details of date i.e. days, months and year, when the same was got approved be also brought on record.
2. The detail of last approved rates/annual tender rates on the basis of which the estimate has been framed be also brought on record.
3. Department may bring on record as to whether wide publicity was given to tender as per provision of para 17.1 of CPWD Manual or otherwise. From the cutting of newspaper placed in the file (P-15/C of file No.4) it is noticed that press publicity was given in one English newspaper and Hindi Newspaper of same publishing house. The reason as to why the different group of publishing house was not opted may be brought on record.
4. The relevant provision for security deposit kept in NIT. May be brought on record.
5. The appropriate class/category of contractor from whom tenders were invited be brought on record.
6. As per clause no. 7 notified under eligibility criteria of NIT, NDMC has discretion to appropriate the work amount L-I, L-II & L-III in the ratio of 40%, 30% & 30% at the accepted rates of L-I firm. This discretion need to be elaborated in advance.
7. Condition to appropriate in NIT in the absence of justification does not appear to hold good and clause to compelling reasons to forfeit EMD in such cases of discretion on refusal by L-2, L-3 is against the spirit of the tender process.
8. The detail monitoring system/strategy to complete the work at sanctioned cost and within the stipulated time be indicated. PERT/CPH chart of scheduled work be placed on record.

B) Diary No.1536/Finance Dated 16/08/2013

Finance Department is of the following views:

- It is observed that in this case, proper laid out codal procedure of CPWD Manual, has not been followed before inviting Tenders. The Department has, in response to the query raised by Finance at NP-52 (S.NO.1) not brought on record the AA & ES for executing this work.
- In case this work falls under A/R & M/O norms, it would be covered under item 2(a) of Delegation of Financial Powers (DOFP), wherein only the E-in-C/Secretary has full powers of sanction in consultation with associate finance observing all codal formalities. If the work does not fall within the approved norms of the Council, the same would be covered under item 1 of the DOFP, sanction of which would lie within the competency of the Chairperson/Council. Neither has been obtained and therefore this is a call for a tender without a sanction.
- As per Section 2.1 of CPWD Manual, Administrative approval, Expenditure sanction, Technical sanction and allotment of Fund (in that order) should precede any call for Tender. This is also supported by GFR 132 but has not been followed.
- There was no emergency involved to justify short-circuiting a well laid out codal procedure and even if there were, the Department should have initiated the case within a suitable time-frame well in advance.
- It is to be appreciated that after an estimate is prepared by the Department, the same is independently checked for ascertaining the veracity by Planning wing and in this way an approximate cost is arrived at, of a Tender. This cannot be a post-facto exercise. The Approximate cost put to Tender, in this way, has an impact on the Price Bids (higher approximate costs will invite higher bids & vice versa). Comparison of the bids received are then compared with the Sanction Estimate (how much above/lower, as the case may be) as well as the justified latest market cost (which is prepared after the bidding and checked by the Planning Wing). In this case no Sanctioned Estimate cost is available for such comparisons.
- Besides, it is observed that the Tender was opened on January 24, 2013 with a bid validity of 120 days with a minimum validity of 3 months of EMD (1/C & 7/C respectively). File Website Downloaded Copy of NIT). The price bid was opened on 27.05.13 (NP-42) i.e. after original validity period and sent to finance for the first time on 17.07.13. Attention is drawn towards para 20.3.1 (Timely processing of tenders) of the CPWD Manual which has been grossly violated in this case. There is no record on file (all files from 1 to 7) pertaining to the validity of the case, both offer as well as EMD.

In view of the above, the Finance Department is unable to concur with this proposal, which lies within the competency of the Council and it is advised that the Department should follow the laid out codal provisions for calling a Tender and awarding a work.

C) Diary No.1714/Finance Dated 01/09/2013

The replies furnished by the Department to our observations are not satisfactory and we observed as under:

In response to advise of Finance department at P-54/N, the department has again referred the case in Finance with clarification to observations which are neither convincing nor satisfactory on the following grounds:-

1. In SOQ (Scheduled of Quantity) 3,17,932/- mtr. Cable is proposed. However, no detail of sanctioned estimate against which these quantity of cable is being laid are on record. The department in its reply has stated that quantity taken in the NIT is based on the requirement received from the different divisions which are based on the estimate issued by Planning division having A/A & E/S & T/S. If it is the case, the department should have placed on record the sanctioned estimate and details of A/A & E/S & T/S obtained by Planning Division the same has not been placed on record by the department.

2. It is again pointed out that the Price Bid in this case was opened after original validity expired. The consent letter of validity obtained at 149-154/C seems to have been obtained after back-dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained.

In view of above, Finance re-iterates its earlier advise at page 54/N with the advice to follow the laid out codal provision for calling a tender and awarding the work.

D) Diary No. 1799/Finance dated 24.09.2013

"The tender case of the Department regarding Annual Contract for Laying of UG HT cables, dismantling, dismantling & relaying of HT cables of all sizes, including supplying & lying of HDPE

pipes in NDMC area is examined in Finance Departments in the light of clarification to observation of Finance and recommendation of department.

Keeping in view the facts brought on record that (a) The works of cable laying would be executed only against sanctioned estimated (b) rates quoted by the L-1 firm amounting to Rs.6,98,97,433/- are 25.25% below the justified cost of Rs.9,35,12,891/- as checked by planning division at p-48-49/N (C) the rates are found reasonable , justified and competitive , the departments may process the case further for consideration of competent authority for award of work to L-1, L-2, L-3 firms in the ratio of 40%, 30%, 30% at the accepted rates of the L-1 firm as per condition of approved NIT.

Further, department is advised to finalize the tender within original validity period and in exceptional cases, where the validity of tender is extended , the due approval of competent authority be obtained on file. The Deptt. may record certificates while seeking approval of Competent Authority:-

1. Certification that the justification has been prepared on current prevailing market rates as per codal provision.
2. Certification that rates are competitive, reasonable and within proximity of trend of similar nature of work.
3. Since the rates of lowest firm is too below. The justified rates, the quality of work may be ensured as per stipulation of NIT.
(This issue with the approval of FA)"

E) Diary NO 2003/Finance Dated 27/09/2013

"Departments may process the case further. The observation of Finance and replies may also be incorporated in draft agenda for approval."

8. Comments of the Department on comments of Finance Department:-

A)

1. The quantity taken in the schedule of quantity of NIT are based on the requirement received from the different divisions which has been assessed by them on the basis of the work to be executed during the period of contract. (Requirement received from Different divisions are enclosed in the circular and correspondence file).

2. The details of last approved rates/annual tender rates on the basis of which the estimate has been framed is enclosed in the detailed estimate file at page 11 to 17/C.
3. Wide publicity was given to the tender as per provision of para 17.1 of CPWD Manual. The request for publication of press notice is sent to Director (PR) NDMC for getting the same published in leading newspaper as per prevailing practice. Department has no control over the group of publishing houses.
4. The relevant provision for security deposit kept in NIT is given on NDMC form no. 6 clause no. 19 as well as clause no. 1A of clauses of contract.
5. The tenders have been invited from the eligible contractors having relevant experiences and valid contractor license, as per the eligibility conditions of NIT.
6. This being an annual rate contract having considerable quantity of works involve, to reduce dependency and monopoly of a single firm, provision has been made in the NIT to distribute the work amount three agencies namely L-1, L-2 & L-3 in the ratio of 40%, 30% & 30% respectively. This provision has been duly pre disclosed in the NIT.
7. The forfeit EMD has since been modified as per the minutes of the pre-bid meeting held in the chamber of CE (E-II) on 17th January 2013 at page 15-16/N.
8. After getting the sanction from the Competent authority, the work award letter shall be issued to the firms and in the work award letter, it will be clearly mentioned that the copy of the work order alongwith bills shall be submitted in C-I (Electric) division before passing the bill by the respective divisions. No PERT/CPH chart is applicable in this case being annual contract for laying of cables.

B)

1. Being an annual contract for laying of cables, the quantity is taken in the schedule of quantity of the NITY are based on the requirement received from the executing divisions which are duly signed by the concerned executive engineer. These quantities received from the different divisions are assessed on the basis of the no codal procedures of CPWD manual have been overruled.
2. Moreover, the subject cited work do not falls under A/R & M/O norms. As such it is not covered under item 1 & 2(a) of delegation of financial powers.
3. Being an annual cable laying contract and the quantities taken in the NIT are based on the requirement received from the different divisions, which is ultimately derived on the basis of

the estimate issued to them from the Planning division having A/A, E/S, T/S and allotment of funds.

4. All the codal procedures have been adopted vide initiating the subject cited case.
5. This is annual cable laying contract, the quantities taken are assessed on the basis of work to be executed by different divisions against the subject cited annual contract.
6. This is being a voluminous tender and keen scrutiny is being done at every stage including AAO (C-I), Sr. Draftsman (C-I), AO(E-I), EE(P), SE(P), ACE(E-I) and concerned SE(E)-I and ACE(E)-II as well as HOD. In order to send the case in Finance department in a crystal clear manner and free from all the ambiguities.

Further it is to inform that as per NIT the validity of this tender was 120 days which was duly extended by taking the consent letter from the participating firms enclosed in Tender documents file at Page 149-154/C. Also special care was taken for the validity of the EMD which is as under: -

S.No.	Name of Firm/Agency	Amt (in `)	Details of EMD
1.	M/s Creative Entrepreneurs Ltd.	` 11,27,378.00	FDR No. 32771758107 dated 16/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.
2.	M/s B.K. Power Enterprises.	` 11,27,378.00	FDR No. 913040003593579 dated 18/01/2013 drawn on Axis Bank Ltd., Ravissance House, Ground Floor & I st Floor, 1 Ring Road, Lajpat Nagar-IV, New Delhi-110024
3.	M/s Nav Shakti Trader	` 11,27,378.00	FDR No. 32774430571 dated 17/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.

c)

(i) The power supply system in NDMC area is through complex net work of underground cables. Cables of various rating and sizes are laid underground in the entire NDMC area and include 33 KV, 11KV & 440 volt cables. Various divisions in electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV, C-VI, M-33KV, M/F, R/L, BM-I & BM-II are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid, has been accessed on the basis of quantity received from different divisions, as enclosed in the requirement file, enclosed herewith. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender. The department's reply has therefore clearly mentioned that NIT is based on the requirement received from the executing division accessed on the basis of works to be executed by different divisions during the period of the contract.

It is affirmed and reassured to finance that all the estimates of work under which cable laying shall be undertaken would have A/A & E/S of the Competent Authority and the annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only would entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

(ii) The Original Validity of the offers of the three participating firms was valid till 27.05.13 & financial bid was also opened on the same date. As the validity of the offers of the eligible participating firms i.e. M/s B.K. Power Enterprises, Creative Entrepreneurs and M/s Nav Shakti Traders expiring on 27.05.13, these firms were requested vide letter dated 15-05-2013(CP-149-151) to extend the validity, for three months. In response to this letter, confirmation was received from the firms vide their letters detailed is as under:-

Name of Agency	Letter reference No. & date	Diary No. & Date
M/s B.K. Power Enterprises	BKPE/NDMC/L/20-13/17 Dated 20-05-2013	R-300/EE (E) (C-I) Dated 20.05.2013 (Page no. 152 of tendered document file)
M/s Creative Entrepreneurs	Dated 17-05-2013	R-290/EE (E) C-I Dated 17.05.2013 (Page no. 153 of tendered

		document file)
M/s Nav Shakti Traders	Dated 17-05-2013	R-292/EE (E) C-I Dated 17.05.2013 (Page no. 154 of tendered document file)

Validity of the offers of all three participating eligible firms was valid as on the date of price bid opening. From the above, it is in-correct to say that price bid was opened after the expiry of initial validity. Further the letters extending validity of the offers as received from the firms, were appropriately diarized in the division without any back dating.

D)

1. All out efforts shall be made to finalize the tender within original validity period and where the validity of tender is extended, due approval of competent authority shall be obtained.
2. The justification has been prepared on current prevailing market rates as per codal provision.
3. The rates are competitive, reasonable and within proximity of trend of similar nature of work.
4. The Quality of work executed by the contractors shall be ensured as per specifications of NIT

9. Legal implication of the Subject: - NIL

10. Details of previous Council resolution:- NA

11. Comments of Law Department:- " No legal issue is involved in this matter at this stage".

12. Comments of the Department on the Comments of Law Department: Nil

13. Certification by the Department:

All Central Vigilance Commission (CVC) guidelines have been followed.

14. Recommendation: - The case may be placed before the Council for awarding the work of Annual Contract for laying of U/G HT Cables, dismantling, Dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area to the following three firms (L-1, L-2 & L-3) in the ratio of 40%, 30% & 30% respectively computed on the basis of tendered cost of L-1 firm amounting to **Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three)** on the terms, conditions & specifications of NIT:

1. M/s Creative Enterprises for **Rs. 2,79,58,973/- (Rupees Two Crore Seventy Nine Lacs Fifty Eight Thousand Nine Hundred Seventy Three)** being 40% of the tendered amount of L-1 firm.
2. M/s B.K. Power Enterprises for **Rs.2,09,69,230/- (Rupees Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty)** being 30% of the tendered amount of L-1 firm.
3. M/s Nav Shakti Traders for **Rs. 2,09,69,230/- (Rupees Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty)** being 30% of the tendered amount of L-1 firm.

Since the work is of urgent nature, approval is solicited to award the work in anticipation of the confirmation of the minutes of council meeting.

15. Draft resolution:- Resolved by the council that the approval is accorded to award the work of Annual Contract for laying of U/G HT Cables, dismantling, dismantling and relaying of HT Cables of all sizes, including supplying & laying of HDPE Pipes and supply & making of H.T. st. th. Joint boxes & indoor end termination in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% computed on the basis of tendered cost of L-1 firm amounting to Rs. 6,98,97,433/- (Rupees Six Crore Ninety Eight Lacs Ninety Seven Thousand Four Hundred Thirty Three) on the terms, condition & specifications of the NIT:

1. M/s Creative Enterprises for Rs. 2,79,58,973/- (Two Crore Seventy Nine Lacs Fifty Eight Thousand Nine Hundred Seventy Three) being 40% of the tendered amount of L-1 firm.
2. M/s B.K. Power Enterprises for Rs. 2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm.
3. M/s Nav Shakti Traders for Rs. 2,09,69,230/- (Two Crore Nine Lacs Sixty Nine Thousand Two Hundred Thirty) being 30% of the tendered amount of L-1 firm.

Since the work is of urgent nature, approval is accorded to award the work in anticipation of the confirmation of the minutes of council meeting.

COUNCIL'S DECISION

Deferred. The Council directed that the department concerned will further explain about the project in the next meeting of the Council.

ITEM NO. 07 (B-06)

1. Name of Work: - Annual Contract for laying of U/G LT Cables, Dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area.

Tender ID No. 2013_NDMC_28323_1

Award of work ` 3,86,16,114/-

2. Department: - Electricity Department

3. Brief History of the Proposal: - The power supply system in NDMC area is through complex net work of underground cables. LT Cables of various rating and sizes are laid underground in the entire NDMC area by various divisions of electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV, R/L, BM-I & BM-II which are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid is assessed on the basis of quantity received from different divisions to be executed against the sanctioned schemes during the period of contract. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender.

The annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only entail time, cost but also detrimental to efficiency of the work in the department. The expenditure incurred in these works shall be charged to the respective approved estimates of the executing division.

4. Detailed proposal of the Subject: - Sealed percentage rate tenders were invited in two covers system from the contractors/firms registered in N.D.M.C. having experience & valid contractor licence through e-procurement solution for the work of "Annual Contract for laying of U/G LT Cables, dismantling, Dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area" by giving due publicity to the tender as per the codal provisions at an estimated cost of Rs.3,19,66,982/- Put to NIT. To avoid monopoly & dependency

on a single firm for the work of this magnitude with due approval/NOC of the Finance & clearance from Vigilance, a clause was provided in the NIT to divide the work among L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% at the accepted rates of L-1 firm. It was also envisaged that in case any of the firm does not accept the offer, the corresponding proportionate share would be divided equally with the rest of the firms and EMD of such defaulting firm would be forfeited. However, during pre-bid conference, the participating firms objected to the forfeiture of EMD provision and accordingly, with due approval of competent authority, this provision was modified suitably to ensure healthy participation. In response to the tender inquiry, offers of the following four firms were received on due date of opening i.e. 28/01/2013

1. M/s B.K. Power Enterprises
2. M/s Creative Entrepreneurs
3. M/s Nav Shakti Traders
4. M/s Vichitra Construction Pvt. Ltd.

The documents submitted by participating firms were examined in the division as well as in Planning Division and observed that all the above four firms fulfill the eligibility criteria as per the terms, conditions & technical specifications of the NIT.

Subsequently, with due approval of CE (E-II), financial bids of the above four eligible firms were opened on 27-05-2013 and the position of the tendering firm emerged as under:-

S.No.	Name of firms	Quoted Amount (In `)	Remarks
1.	M/s Vichitra Construction Pvt. Ltd.	3,86,16,114/-	30.16% below the justified rates (L-1)
2.	M/s B.K. Power Enterprises	4,12,37,406/-	25.42% below the justified rates (L-2)
3.	M/s Creative Entrepreneurs	4,21,96,416/-	23.69% below the justified rates (L-3)
4.	M/s Nav Shakti Traders	4,44,34,104/-	19.64% below the justified rates (L-4)

In view of above it is proposed to award the work to L-1, L-2 & L-3 firms in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs. 3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen)

5. Financial Implication: - Rs.3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen)

6. Implementation Schedule: - 12 Months

7. Comments of the finance department: -

A) Diary No.1333/Finance Dated 19/07/2013

1. Department may place on record a copy of Preliminary estimate (PE) for the work. The details of date i.e. days, months and year, when the same was got approved be also brought on record.

2. The detail of last approved rates/annual tender rates on the basis of which the estimate has been framed be also brought on record.

3. Department may bring on record as to whether wide publicity was given to tender as per provision of para 17.1 of CPWD Manual or otherwise. From the cutting of newspaper placed in the file (P-15/C of file No.4) it is noticed that press publicity was given in one English newspaper and Hindi Newspaper of same publishing house. The reason as to why the different group of publishing house was not opted may be brought on record.

4. The relevant provision for security deposit kept in NIT. May be brought on record.

5. The appropriate class/category of contractor from whom tenders were invited be brought on record.

6. As per clause no. 7 notified under eligibility criteria of NIT, NDMC has discretion to appropriate the work among L-I, L-II & L-III in the ratio of 40%, 30% & 30% at the accepted rates of L-I firm. This description need to be elaborated in advance.

7. Condition to appropriate in NIT in the absence of justification does not appear to hold good and clause to compelling reasons to forfeit EMD in such cases of description on refusal by L-2, L-3 is against the spirit of the tender process.

8. The detail monitoring system/strategy to complete the work and sanctioned cost and within the stipulated time be indicated. PERT/CPH chart of scheduled work be placed on record.

B) Diary No.1537/Finance Dated 08/08/2013

"Finance Department is of the following views"

- It is observed that in this case, proper laid out codal procedure of CPWD Manual, has not been followed before inviting Tenders. The Department has, in response to the query raised by Finance at NP-45 (S.NO. 1) not brought on record the AA & ES for executing this work.

- In case this work falls under A/R & M/O norms, it would be covered under item 2(a) of Delegation of Financial Powers (DOFP), wherein only the E-in-C/Secretary has full powers of sanction in consultation with associate finance observing all codal formalities. If the work does not fall within the approved norms of the Council, the same would be covered under item 1 of the DOFP, sanction of which would lie within the competency of the Chairperson/Council. Neither has been obtained and therefore this is a call for a tender without a sanction.

- As per Section 2 .1 of CPWD Manual, Administrative approval, Expenditure sanction, Technical sanction and allotment of Fund (in that order) should precede any call for Tender. This is also supported by GFR 132 but has not been followed.

- There was no emergency involved to justify short-circuiting a well laid out codal procedure and even if there were, the Department should have initiated the case within a suitable time-frame well in advance.

- It is to be appreciated that after an estimate is prepared by the Department, the same is independently checked for ascertaining the veracity by Planning wing and in this way an approximate cost is arrived at, of a Tender. This cannot be a post-facto exercise. The Approximate cost put to Tender, in this way, has an impact on the

Price Bid (higher approximate costs will invite higher bids & vice versa). Comparison of the bids received are then compared with the Sanction Estimate (how much above/lower, as the case may be) as well as the justified latest market cost (which is prepared after the bidding and checked by the Planning Wing). In this case no Sanction Estimate cost is available for such comparisons.

- Besides, it is observed that the Tender was opened on January 24, 2013 with a bid validity of 120 days with a minimum validity of 3 months of EMD (1/C & 7/C respectively: File Website Downloaded Copy of NIT). The price bid was opened on 27.05.13 (NP-38) i.e. after original original validity period and sent to finance for the first time on 17.07.13. Attention is drawn towards para 20.3.1 (Timely processing of tenders) of the CPWD Manual which has been grossly violated in this case. There is no record on file pertaining to the validity of the case, both offer as well as EMD.

In view of the above, the Finance Department is unable to concur with this proposal, which lies within the competency of the Council and it is advised that the Department should follow the laid out codal provisions for calling a Tender and awarding a work.

C) Diary No.1691/Finance Dated 01/09/2013

The replies furnished by the Department to our observations are not satisfactory and we observed as under:

In response to advise of Finance department at P-47/N, the department has again referred the case in Finance with clarification to observations which are neither convincing nor satisfactory on the following grounds:-

1. In SOQ (Scheduled of Quantity) 1,10,662/- mtr. Cable is proposed. However, no detail of sanctioned estimate against which these quantity of cables is being laid are on record. The department in its reply has stated that quantity taken in the NIT is based on the requirement received from the different divisions which are based on the estimate issued by Planning division having A/A & E/S & T/S. If it is the case, the department should have placed on record the sanctioned estimate and details of A/A & E/S & T/S obtained by Planning Division. The same has not been placed on record by the department.

2. It is again pointed out that the Price Bid in this case was opened after original validity expired. The consent letter of validity obtained at 199-206/C seems to have been obtained after back-dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained after back dating as earlier, there was neither any consent letter on the file nor approval for extending the validity was obtained.

In view of above, Finance re-iterates its earlier advice at page 47/N with the advice to follow the laid out coda provision for calling a tender and warding the work.

D) Diary No.1800/Finance Dated 24/09/2013

"The tender case of the Department regarding Annual Contract for Laying of UG LT cables, dismantling, dismantling & relaying of LT cables of all sizes, including supplying & lying of HDPE pipes in NDMC area is examined in Finance Departments in the light of clarification to observation of Finance and recommendation of department.

Keeping in view the facts brought on record that (a) The works of cable laying would be executed only against sanctioned estimated (b) rates quoted by the L-1 firm amounting to Rs.3,86,16,114/- are 30.16% below the justified cost of Rs.5,52,95,856/- as checked by planning division at p-42/N (C) the rates are found reasonable , justified and competitive , the departments may process the case further for consideration of competent authority for award of work to L-1, L-2, L-3 firms in the ratio of 40%, 30%, 30% at the accepted rates of the L-1 firm as per condition of approved NIT.

Further, departments is advised to finalize the tender within original validity period and in exceptional cases, where the validity of tender is extended , the due approval of competent authority be obtained on file. The Deptt. may record certificates while seeking approval of Competent Authority:-

1. Certification that the justification has been prepared on current prevailing market rates as per codal provision.
2. Certification that rates are competitive, reasonable and within proximity of trend of similar nature of work.
3. Since the rates of lowest of similar nature is too below. The justified rates, the quality of work may be ensured as per stipulation of NIT.
(This issue with the approval of FA)"

E) Diary NO 2004/ Finance dated 27/09/2013

"Departments may process the case further. The observation of Finance and replies may also be incorporated in draft agenda for approval".

8. Comments of the Department on comments of Finance Department:-

A) Parawise replies to the observation raised by Finance Department at P-45/N are as under:-

1. The quantity taken in the schedule of quantity of NIT are based on the requirement received from the different divisions which has been assessed by them on the basis of the work to be executed during the period of contract. (Requirement received from Different divisions are enclosed in the circular and correspondence file).

2. The details of last approved rates/annual tender rates on the basis of which the estimate has been framed is enclosed in the detailed estimate file at page 11 to 17/C.

3. Wide publicity was given to the tender as per provision of para 17.1 of CPWD Manual. The request for publication of press notice is sent to Director (PR) NDMC for getting the same published in leading newspaper as per prevailing practice. Department has no control over the group of publishing houses.

4. The relevant provision for security deposit kept in NIT is given on NDMC form no. 6 clause no. 19 as well as clause no. 1A of clauses of contract.

5. The tenders have been invited from the eligible contractors having relevant experiences and valid contractor license, as per the eligibility conditions of NIT.

6. This being an annual rate contract having considerable quantity of works involve, to reduce dependency and monopoly of a single firm, provision has been made in the NIT to distribute the work among three agencies namely L-1, L-2 & L-3 in the ratio of 40%, 30% & 30% respectively. This provision has been duly pre disclosed in the NIT.

7. The forfeit EMD has since been modified as per the minutes of the prebid meeting held in the chamber of CE (E-II) on 17th January 2013 at page 13-14/N.

8. After getting the sanction from the Competent authority, the work award letter shall be issued to the firms and in the work award letter, it will be clearly mentioned that the copy of the work order alongwith bills shall be submitted in C-I (Electric) division before passing the bill by the respective divisions. No PERT /CPH chart is applicable in this case being annual contract for laying of cables.

B) Parawise replies to the observation raised by Finance Department at P-47/N are as under:-

1. Being an annual contract for laying of cables, the quantity is taken in the schedule of quantity of the NIT are based on the requirement received from the executing divisions which are duly signed by the concerned executive engineer. These quantities received from the different divisions are assessed on the basis of the works to be executed by different divisions during the period of contract. As such no codal procedures of CPWD manual have been overruled.
2. Moreover, the subject cited work do not falls under A/R & M/O norms. As such it is not covered under item 1 & 2(a) of delegation of financial powers.
3. Being an annual cable laying contract and the quantities taken in the NIT are based on the requirement received from the different divisions, which is ultimately derived on the basis of the estimate issued to them from the Planning division having A/A, E/S, T/S and allotment of funds.
4. All the codal procedures have been adopted vide initiating the subject cited case.
5. This is annual cable laying contract, the quantities taken are assessed on the basis of work to be executed by different divisions against the subject cited annual contract.
6. This is being a voluminous tender and keen scrutiny is being done at every stage including AAO (C-I), Sr. Draftsman (C-I), AO(E-I), EE(P), SE(P), ACE(E-I) and concerned SE(E)-I and ACE(E)-II as well as HOD. In order to send the case in Finance department in a crystal clear manner and free from all the ambiguities as far as possible.

Further it is to inform that as per NIT the validity of this tender was 120 days which was duly extended by taking the consent letter from the participating firms enclosed in Tender documents file at Page 199-206/C. Also special care was taken for the validity of the EMD which is as under: -

S.No.	Name of Firm/Agency	Amt (in `)	Details of EMD
1.	M/s Vichitra Construction Pvt. Ltd.	` 6,39,340.00/-	FDR No. 239877 dated 23/01/2013 drawn on Canara Bank, New Delhi Vikas Puri Branch 2455.
2.	M/s B.K. Power Enterprises.	` 6,39,340.00/-	FDR No. 913040003589376 dated 18/01/2013 drawn on Axis Bank Ltd., Ravissance House, Ground Floor & 1 st Floor, 1 Ring Road, Lajpat Nagar-IV,

			New Delhi-110024
3.	M/s Creative Entrepreneurs	` 6,39,340.00/-	FDR No. 32771790322 dated 16/01/2013 drawn on State Bank of India, Sector-4, Rohini, New Delhi Sector-14 (Extn) Madhuban Chowk, Rohini, New Delhi-110085.

In view of the replies given above, the case may please be sent to Finance department for an early concurrence please.

C) Parawise reply is as under:-

(i) The power supply system in NDMC area is through complex net work of underground cables. Cables of various rating and sizes are laid underground in the entire NDMC area and include 33 KV, 11KV & 440 volt cables. Various divisions in electricity department namely D/N, M/N, D/S, M/S, C-I, C-II, C-III, C-IV, C-VI, M-33KV, M/F, R/L, BM-I & BM-II are the primarily user divisions, executing the work of cable laying at different locations and time, as per requirement generated from time to time. The works of cable laying are executed by these divisions only against sanctioned estimates. No cable laying work is undertaken unless the estimate of the work in hand is duly sanctioned by the Competent Authority.

For entering into an annual contract, quantity of cable to be laid, has been accessed on the basis of quantity received from different divisions, as enclosed in the requirement file, enclosed herewith. This is because of the fact that all estimates against which the cable is required to be laid are not readily available at the time of floating tender. The department's reply has therefore clearly mentioned that NIT is based on the requirement received from the executing division accessed on the basis of works to be executed by different divisions during the period of the contract.

It is affirmed and reassured to finance that all the estimates of work under which cable laying shall be undertaken would have A/A & E/S of the Competent Authority and the annual contract would facilitate these divisions to execute the cable laying work immediately, without going in for individual estimate based tender in each division which otherwise not only would entail time, cost but also detrimental to efficiency of the work in the department. The expenditure

incurred in these works shall be charged to the respective approved estimates of the executing division.

(ii) The Original Validity of the offers of the four participating firms was valid till 27.05.13 & financial bid was also opened on the same date. As the validity of the offers of the eligible participating firms i.e. M/s Vichitra Construction Pvt. Ltd. M/s B.K. Power Enterprises, Creative Entrepreneurs and M/s Nav Shakti Traders was expiring on 27.05.13, these firms were requested vide letter dated 15-05-2013 (CP-199-202) to extend the validity, for three months. In response to this letter, confirmation was received from the firms vide their letters detailed is as under:-

Name of Agency	Letter reference No. & date	Diary No. & Date
M/s Vichitra Construction Pvt. Ltd.	Dated 16.05.2013	R-286/EE (E) (C-I) Dated 17.05.2013 (Page No. 203 of tendered document file)
M/s B.K. Power Enterprises	bkpe/ndmc/1/20-13/16 Dated 20.05.2013	R-301/EE (E) C-I Dated 20.05.2013 (Page No. 204 of tendered document file)
M/s Creative Entrepreneurs	Dated 17.05.2013	R-291/EE (E) C-I Dated 17.05.2013 (Page No. 205 of tendered document file)
M/s Nav Shakti Traders	Dated 17.05.2013	R-293/EE (E) C-I Dated 17.05.2013 (Page No. 206 of tendered document file)

Validity of the offers of all four participating eligible firms was valid as on the date of price bid opening. From the above, it is in-correct to say that price bid was opened after the expiry of initial validity. Further the letters extending validity of the offers as received from the firms, were appropriately diarized in the division without any back dating.

In view of above clarifications, the file may again be sent to finance for concurrence please

D)

1. All out efforts shall be made to finalize the tender within original validity period and where the validity of tender is extended, due approval of competent authority shall be obtained.
2. The justification has been prepared on current prevailing market rates as per codal provision.
3. The rates are competitive, reasonable and within proximity of trend of similar nature of work.
4. The Quality of work executed by the contractors shall be ensured as per specifications of NIT

9. Legal implication of the Subject: - NIL

10. Details of previous Council resolution:- NA

11. Comments of Law Department:- " No legal issue is involved in this matter at this stage".

12. Comments of the Department on the Comments of Law Department: Nil

13. Certification by the Department:

All Central Vigilance Commission (CVC) guidelines have been followed.

14. Recommendation: - The case may be placed before the Council for awarding the work of Annual Contract for laying of U/G LT Cables, dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area. to the following three firms (L-1, L-2 & L-3) in the ratio of 40%, 30% & 30% respectively computed on the basis of tendered cost of L-1 firm amounting to **Rs.3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen) on the terms, conditions & specifications of NIT:**

1. M/s Vichitra Construction (P) Ltd. for **Rs.1,54,46,446/- (Rupees One Crore Fifty Four Lacs Forty Six Thousand Four Hundred Forty Six)** being 40% of the tendered value.
2. M/s B.K. Power Enterprises for **Rs.1,15,84,834/- (Rupees One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty Four)** being 30% of the tendered value.
3. M/s Creative Enterprises for **Rs. 1,15,84,834/- (Rupees One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty Four)** being 30% of the tendered value.

Since the work is of urgent nature, approval is solicited to award the work in anticipation of the confirmation of the minutes of council meeting.

15. Draft resolution:- Resolved by the council that approval is accorded to award the work of Annual Contract for laying of U/G LT Cables, dismantling, dismantling and relaying of LT Cables of all sizes, including supplying & laying of HDPE pipes in NDMC area to the following three firms (L-1, L-2 & L-3), in the ratio of 40%, 30% & 30% respectively on the basis of tendered cost of L-1 firm amounting to Rs. 3,86,16,114/- (Three Crore Eighty Six lacs Sixteen Thousand One Hundred Fourteen) on the terms, condition & specifications of the NIT:

1. M/s Vichitra Construction (P) Ltd. for Rs. 1,54,46,446 (One Crore Fifty Four Lacs Forty Six Thousand Four Hundred forty six) being 40% of the tendered value.
2. M/s B.K. Power Enterprises for Rs. 1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty four) being 30% of the tendered value.
3. M/s Creative Enterprises for Rs. 1,15,84,834 (One Crore Fifteen Lacs Eighty Four Thousand Eight Hundred Thirty four) being 30% of the tendered value.

Since the work is of urgent nature, approval is accorded to award the work in anticipation of the confirmation of the minutes of council meeting.

COUNCIL'S DECISION

Deferred. The Council directed that the department concerned will further explain about the project in the next meeting of the Council.

ITEM NO. 08 (B-07)**1. Name of work:**

Establishing 33KV ESS at Aliganj – Jor Bagh.

Sub-Head: Supply, Installation, Testing & Commissioning of Sub-station Equipments

Tender I.D. No. 2013_NDMC_36377_1

(Award of Work ` 5,46,97,850/-)

2. Name of Department

Electricity Department

3. Brief History of the proposal

Area around Aliganj, Jor Bagh is being developed by CPWD. A General Pool Residential Accommodation (GPRA) Project has been undertaken by CPWD in this area. With the increased load demand due to CPWD Project and adjoining residences of Diplomates, Schools, Community Centre, NDMC residential complex etc., a higher load demand was anticipated. Accordingly to meet the load requirement, an estimate amounting to Rs.1450.64 Lacs was approved by the council vide Reso. No.25 (B-14) dated 15-7-2009 for establishing a 33/11KV ESS at Aliganj Jor Bagh. In this estimate there was provision towards the cost of building construction amounting to Rs.150 Lacs & cost of equipments amounting to Rs.1300.64 Lacs. The land for establishing 33 KV ESS was to be provided by CPWD and scheme to be executed by PGCIL. However due to delay in availability of land, this project could not be executed by PGCIL and they were given another project of establishing 33 KV ESS at Netaji Nagar in lieu of ESS Aliganj against a separate sanction estimate of ESS Netaji Nagar. After several rounds of meetings, deliberations & discussions with CPWD, L & D.O and MOUD, land was finally made available and construction of Sub-Station building undertaken by CPWD instead of NDMC, in November 2012.

As CPWD has already started construction of ESS building which is in advance stage of construction and around 200 flats, already constructed under GPRA project are awaiting allotment for want of Electricity connections, tenders have been called for establishing 33/11 KV Sub-Station in Aliganj Jor Bagh and processed.

4. Detailed proposal of the subject

Item rate e-tender were invited in three cover system with estimated cost of Rs 4,52,29,710/- for Supply, Installation, Testing & Commissioning of Sub-station Equipments by giving due publicity to the tender as per the codal provisions. In response to the tender enquiry, offers of the following three firms were received on due date of opening of first cover i.e. eligibility criteria on 04.06.2013.

1. **M/s C&S Electric.**
2. **M/s RMS Automation Systems Ltd.**
3. **M/s Arosa Infrastructure Private Limited.**

The documents submitted by above three participating firms were examined in the division as well as in Planning and discussions held in the meeting of Technical Evaluation Committee (TEC). Based on above, two firms namely M/s RMS Automation Systems Ltd and M/s Arosa Infrastructure Private Limited were found meeting eligibility criteria as per terms, conditions & technical specifications of NIT. Subsequently with due approval of CEE-II, financial bids of the eligible firms were opened on 29.07.2013 and M/s RMS Automation Systems Ltd. Emerged the L-1 firm at their quoted amount of ` 5,46,97,850/- which was 20.93% above the estimated cost of ` 4,52,29,710/- based on the sanctioned estimate dated 29.07.2009.

The rates quoted by the L-1 & L-2 firms have been compared with the justified cost which has been prepared based on the market rates of material, labour, cartage etc as per provision of CPWD works manual and position is as under:

S.No	Name of Firm	Quoted Amount (in `)	Remarks
1.	M/s RMS Automation Systems Ltd. (L-1 Firm)	5,46,97,850/-	The offer of L-1 Firm is 6.87 % below the justified cost of ` 5,87,31,307/-
2.	M/s Arosa Infrastructure private Limited (L-2 Firm)	5,93,58,465/-	The offer of L-2 firm is 1.06%above the justified cost of ` 5,87,31,307/-

The case has duly been seen by Finance and advised to process the case for consideration of Competent Authority.

Accordingly it is proposed to award the work to the L-1 firm, M/s RMS Automation Systems Ltd. amounting to ` 5,46,97,850/- as per the terms and condition of NIT.

5. Financial Implications

Rs. 5,46,97,850/- (Rupees Five Crore forty six Lacs ninety Seven Thousand Eight hundred fifty Only).

6. Implementation Schedule

08 Months.

7. Comments of the Finance Department

(i) Observations of Finance dated 02/09/2013 vide diary No. 1681.

Finance Department seek the following clarification from the department:

1. It is observed the A/A ES amounting to ` 1450.64 lac for **Establishing 33KV ESS at Aliganj Jor Bagh** was accorded by Council vide resolution no. 25 (B-14) dated 15.07.2009, but the department has processed the tender case for **Supply, Installation, Testing & Commissioning** of sub-station equipments after a gap of almost 4 year. The detail reasons for the same needs to be brought on record. Whether the fund for the project has been provided if so, the detail may be brought on record.
2. The instant tender case is related to **Supply, Installation, Testing & commissioning** of sub-station equipments. Whether other works for which the provision was made in the sanctioned estimate has been completed or not needs to be brought on record.

3. While examining the instant tender case, it has been observed that department while framing detail estimate has loaded 10% extra cost over and above the PE rates, the reasons for the same may be brought on record. The file, on which the estimate was processed/approved, be also linked.
4. The rates quoted by the L-1 are 20.93% above the estimated cost put to tender, whereas the same have been found 7.01% below the justified cost. The reasons for variation in the estimate and justified cost (justified cost being 30.05% above the estimated cost) be brought on record.
5. The last approved tendered rates for this work may also be brought on record and be compared with the instant rates received in tender.
6. It is observed that Planning division has checked case with some subjective observation at P-45/N. The replies of which have been given by department at P-45/N. but, the same has not been shown again in Planning division. The case may again be referred and cleared from Planning division in the first instance.
7. The price bids have not been signed by concerned officers and AAO concerned the same may be got signed and required certificate as per provision of section 20.2.3 (3) may be recorded in comparative statement.
8. Technical & Price Bid may be signed with their Designation.
9. Item No.2 at 39/N of office Note indicate loading of internet. Deptt. may bring on record the codal support/justification for the same.
10. Deptt. may further certify that justification rate have been worked out as per prevailing lowest Market Rate and are subject to Codal Provision.
11. Certify/Link up the Codal Provision as approved by NDMC for due publicity.
12. Link up/flag the Council resolution according A/A & E/S and certification pf all direction/instructions if any, incorporated therein.
13. Certification regarding reasonability of rates be recorded.
14. Compliance of SD-14/2005 be ensured.

(ii) Observations of Finance dated 28/09/2013:

The tender case of the department for supply, installation, testing and commissioning of sub-station equipments have been examined and considered in the light of clarifications to observations of finance and recommendations of the department.

Keeping in view the facts brought on record that rates quoted by L-1 firm, m/s RMS automation system amounting to Rs 5,46,97,850/- are 7.01% below the justified cost of Rs5,88,19,855/- as checked by planning division at p-48/N which are found reasonable justified and acceptable. The department may process the case further for consideration of competent authority for award of work to L-1 firm as per terms, conditions and specification of NIT.

Planning at page 39/N has sought clarification from department for loading of interest in respect of item no 1,2,5,6 and 15 in the analysis of rates for justification of rates. The department in its reply has stated that for preparing justification of the rates, budgetary offer was obtained from M.S Prolec GE, the manufacturer of transformer. In the said budgetary offer the firm has sought an advance of 25% of the basic price as interest free advance and to bring the offer interest @ 4% has been added for five months to offset the effect of interest saved on advance payment condition claimed by the firm.

Subsequently, planning has reexamined the case and reply furnished by department was found satisfactory. However, no authenticated rule positions/ guidelines have been placed on record in support of the same as observed by finance. The loading on interest component has enhanced the justified cost as under:

Item no of justification	Interest	Quantity/ unit	Total amount
Item no.-1	38675	02	77350
Item no.-2	4379	02	8750
Item no.-5&6	695	04	2780
Item no.-15	1054	30	31620
			1,12,625

Though interest components seems to have little impact on justified cost but no rule position have in support of the same have been furnished by the department. Besides interest provision is not made in CPWD analysis of rates.

The department may recalculate the justification of Rs 5,88,19,855/- as observed above in r/o item no 1,2,5,6 and 15 before processing the case further for approval.

At page 50/n the justification cost Rs 5,27,04,453.40 of PGCIL work is including 12.5% consultancy fee and 12.36% service tax on consultancy fee, whereas L-1 firm rate does not have these two components and therefore, Justification shown as + 3.78% at

page 50/N seems much higher if the consultancy fee and service tax components excluded.

Hence, the department while seeking the approval of the competent authority may record a certificate to the effect that justification cost is not more than the cost of similar nature of work in other DISCOM authority.

(iii) Observation of Finance dated 01/10/2013:

The replies of the department to the observation of F.D. are not convincing. Hence the department may clarify their replies and get the validity of rate extended from the firm.

(iv) Observation of Finance dated 01/10/2013:

Clarification to observation of finance department is seen. The department may process the case further for consideration of competent authority for award of work to L-1 firm as per terms, conditions and specification of NIT. The observations of finance and its reply may be included in the draft agenda for approval.

8. Comments of the Department on comments of Finance Department

(i) Replies of the department on Finance observation dated 02.09.2013

Parawise reply to the observations of Finance as detailed in the note on page 46/N is as under:-

1. The estimate for the work of establishing 33KV ESS at Aliganj Jor Bagh, amounting to ` 1450.64 lacs, was approved by the Council vide resolution No. 25 (B-14) dated 15.07.09. In this estimate, there was a provision towards the cost of building construction amounting to ` 150 lacs & cost of equipment was ` 1300.64 lacs. The land for establishing 33/11KV ESS was to be provided by CPWD (and these facts are duly detailed in the body of history sheet of the approved estimate placed at CP/6-11 of the estimate file enclosed herewith). The equipments envisaged in the estimate were accordingly required to be installed in the sub-station building. (However, even after the approval of estimate and persuasion with the CPWD by Planning-33KV) but the land for the proposed sub-station could not be made available by CPWD/L&DO in time. After several rounds of meetings, deliberations

and discussions with the CPWD, L&DO and Ministry of Urban Development etc. by the Planning CPWD and the construction of the sub-station building was also undertaken by CPWD instead of NDMC. (This decision was conveyed to EE (C-VI) by Planning wing of NDMC vide their letter no. 835/ACE (E-I) dated 26.11.12 (CP/84 in correspondence file). On receipt of this confirmation from Planning, action was initiated for calling tenders for the work of establishing 33KV ESS at Aliganj Jor Bagh. Tendering process for procurement of equipment was tuned to be in sync with the construction of sub-station building, which started in the month of March, 2013 by CPWD and is expected to be completed by Oct/Nov.-13.

2. The other works included in the estimate was the construction of ESS building which is now being constructed by CPWD and is expected to be ready by Oct./Nov. 13. Apart from this, 33KV cables of 8.5 KM length is required to be laid for this work & in this regard, cable has already been procured by Store-II division and the contract for laying 33KV cable is also in place. The work shall be completed during the period, sub-station equipments are installed after the completion of building.
3. In the PE, the supply of equipments and their erection, testing and commissioning have been taken separately. As per item no. 24 of BOQ, the preliminary estimate has a provision of erection, testing and commissioning @ 10% of the cost of items except item no. 7,11,16,17,18 & 19. Therefore for the purpose of SITC (Supply, Installation, Testing and Commissioning) in the DE 10% additional cost has been loaded on the items specified in the P.E. The estimate is placed at CP/5-11 in the estimate file enclosed herewith. The DE was duly seen and cleared by AAO (C-VI) & AO (E-I) at NP-4&5 respectively.
4. The L-1 firm M/s RMS Automation System Ltd. has quoted an amount of ` 5,46,97,850/- for the work which is 20.93% above the estimated cost of ` 4,52,29,710/- put to NIT. The justification of rates prepared by the division for this work, amounts to ` 5,88,19,855/-. On comparing the rates of the L-1 firm with the justified cost, the variation in the rates quoted by L-1 firm with respect to the justified rates comes to (-) 7.01%. The reason for variation in the estimate & justified cost are as under:-
 - (i) The estimate was prepared in the year 2009. The basis of rates taken in this estimate was as per the prevailing market rates of the relevant time, prevailing NDMC stock issue rates

& CPWD 2007 scheduled rates. During the intervening period between 2009 and 2013, the rates being dynamic, have undergone changes.

- (ii) The justification of rates has been prepared by the department based on the current prevailing market rates and reflects prevailing market scenario.
5. NDMC had got similar work done through M/s PGCIL vide MOU signed in the year November 2007. Accordingly as advised by finance, the comparison has also been between PGCIL rates for similar works and rates received in this tender and details are tabulated as under:

Amount of work as per PGCIL rate of 2008 & other similar type of work.	Amount quoted by L-1 firm i.e. M/s RMS Automation System in instant tender case.	% variation in rates of L-1 w.r.t rates of PGCIL work order of 2008 & other similar works.
₹ 5,27,04,453/40 (As per detail CP/85-87 including 12.5% Consultancy fee & 12.36% service tax on consultancy fees in the correspondence file)	₹ 5,46,97,850/-	(+) 3.78%

From the above comparison, it may kindly be seen that rates quoted by L-1 firm in the instant tender case are only 3.78% higher than the rates of PGCIL works.

6. Needful done. Clearance of Planning Division with respect to the observation made on 41/N is appearing on 48/N.
7. Needful done. The price bid has been signed by the concerned officer and A.A.O. concerned and certificate as per the provision of section 20.2 (3) has been recorded in the comparative statement.
8. Needful done. Technical and price bids have been signed by the officers concerned alongwith their designations.

9. Item no. 1 and 2 the BOQ (Bill of Quantity) pertains to supply, installation, testing and commissioning of 16/20 MVA power transformer & 11/0.433KV station transformer respectively. For preparing justification of the rates, budgetary offer was obtained from M/S PROLEC GE, the manufacturer of transformer and placed at CP/22-24 in the file of justification of rates. As per the terms and conditions of this offer, the firm has sought an advance payment of 25% of the basic price as interest free advance alongwith orders. In our case, advance payment is not payable and to bring the offer of M/s PROLEC GE at par with our standard terms of payment, interest @ 4% has been added for five months to offset the effect of interest saved on advance payment condition claimed by the firm.
10. It is certified that justification of rates have been worked out as per the current prevailing market rates as per codal provision.
11. Copy of the circular issued by Director (PR) for publicity of tenders is enclosed at CP/79-80 in the correspondence file. Tender publicity was done by the office of the Dir. (PR). Newspaper cuttings of relevant press release are placed at CP/7-11 & 73-74 in the correspondence file.
12. The Council Resolution, according A/A & ES is placed at CP/81-83 in the correspondence file. Further, it is certified that all directions/instructions of the Council Resolution have been incorporated in the tender case.
13. It is certified that the rates quoted by the L-1 firm are reasonable, justified and acceptable.
14. Provision of standing order No. 14/2005 placed at CP/88-90 of correspondence file, appearing at NP-32 haven been compiled with.

(ii) Replies of the department on Finance observation dated 28.09.2013

Finance while advising the department to process the case for consideration of competent authority for award of work to L-1 firm, has made certain observations as detailed in the note on pre-page N-52, which are clarified as under:-

- (a) As advised by the finance, element of interest added in the justification statement in respect of item No. 1,2,5 & 6, 15 of the bill of quantity has since been deleted and

justified cost reworked out(placed in the justification of rate file at page-81 to 91) which is now Rs.5,87,31,307/- instead of Rs.5,88,19,855/- calculated earlier. In view of this correction the rates quoted by the L-1 firm are **still 6.87% below the justified cost.**

- (b) As observed by finance vide SI.No.5 in the note on N-46, "**the last approved tender rate**" for similar work were brought on record for the information of finance. Similar work was last awarded by NDMC to M/s PGCIL based on MOU (Memorandum of Understanding). Consultancy fee and applicable service tax were paid by NDMC to PGCIL for this work apart from the actual cost of the work. Whereas this case is based on open tender & consultancy fee/service tax therefore are not applicable in this case.

More over the work awarded to PGCIL was in the year 2008 and total amount of work shown in the table on N-50 does not include, element of price escalation on account of cost indexation during these five year. Even without the element of cost indexation, **the rates of L-1 firm in this tender are 3.78% above the last rates of similar work executed in NDMC by M/s PGCIL.**

- (c) The justification cost of Rs.5,87,31,307/- is based on the provisions as specified in CPWD Works Manual vide clause 20.4.3 & 20.4.3.1. Certification sought by the finance "**to the effect that justification cost is not more than the cost of similar nature of work other DISCOM authority**" not only is impractical to ascertain from DISCOMS spread throughout the country but also not tenable, as the justification has been prepared strictly as per the procedures prescribed in CPWD works manual besides being not mandated as per provisions of clause 20.4.3.1 of the CPWD works manual 2012.

(iii) **Replies of the department on Finance observation dated 01.10.2013**

With reference to observations of finance, as detailed in the note on pre-page, following clarifications are accorded:-

- (a) The quoted rates are 6.87% below the **revised justified cost**, taking into consideration observations of finance detailed in the note on N/52.
- (b) In the recent past no work of similar nature was got done in the department through tendering and as such approved tender rates for this work are not available.

However similar work was awarded to M/s PGCIL by NDMC in the year 2007 through "**Memorandum of Understanding**" without tendering and comparison of rates of L-1 firm has also been made as appearing in the note on N/ 49-51 and 53 respectively.

- (c) The justification cost of ` 5,87,31,307/- is based on the provisions, as specified in CPWD works manual vide clause No. 20.4.3.1 i.e. **based on the current markets rates of labour, material, cartage etc.** and the rates quoted by L1 firm, amounting to ` 5,46,97,850/- being 6.87% below the revised justified cost are reasonable, justified as per the current market trend of rates and acceptable.
- (d) The validity of the tender has been got extended and letter in this regard is placed in the file.

(iv) **Replies of the department on Finance observation dated 01.10.2013**

The observation of Finance and its replies has been taken in the Draft Agenda for approval.

9. **Legal Implication on the Subject:**

NIL

10. **Details of previous Council Resolution**

Resolution no. 25(B-14) dt 15.07.09 for the work of estb. 33KV S/S at Aliganj Jorbagh.

(Annexure – A See pages 85 - 87)

11. **Comments of Law Department**

No legal issue involved as such no comments.

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

Nil

13. **Certification by the Department**

All Central Vigilance Commission (CVC) guidelines have been followed.

14. Recommendations of the Department

The case may be placed before the council to award the work of **Establishing 33KV ESS at Aliganj - JorBagh. Sub-Head: Supply, Installation, Testing & Commissioning of Sub-station Equipments** to L-I firm, M/S RMS Automation Systems Ltd at a total cost of Rs 5,46,97,850/- (Rupees Five Crore forty six Lacs ninety Seven Thousand Eight hundred fifty Only) on the terms & conditions of NIT.

Since the work is of urgent nature, approval may be accorded to award the work in anticipation of the confirmation of minutes of Council meeting in next Council meeting.

15. Draft Resolution

Resolved by the Council that the approval is accorded to award the work of **Establishing 33KV ESS at Aliganj – JorBagh. Sub-Head: Supply, Installation, Testing & Commissioning of Sub-station Equipments** to L-I firm, M/S RMS Automation Systems Ltd at a total cost of Rs 5,46,97,850/- (Rupees Five Crore forty six Lacs ninety Seven Thousand Eight hundred fifty Only) on the terms & conditions of NIT.

Approval is also accorded to place award letter to the firm in anticipation of the confirmation of minutes of the Council meeting.

COUNCIL'S DECISION

Resolved by the Council that the approval is accorded to award the work of Establishing 33KV ESS at Aliganj – Jor Bagh. Sub-Head: Supply, Installation, Testing & Commissioning of Sub-station Equipments to L-I firm, M/S RMS Automation Systems Ltd. at a total cost of `5,46,97,850/- (Rupees Five Crore forty six Lacs ninety Seven Thousand Eight hundred fifty Only) on the terms & conditions of NIT.

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.

Annexure 3 pages

Annexure ends

ITEM NO. 09 (U-01)**1. NAME OF THE SUBJECT/PROJECT**

Annual Estimate for the work Security and Traffic Services / Arrangements at NDMC Premises under Group Contract 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'J' & 'K' and other related works of Security Department.

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED

Security Department

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

The Security and Traffic services at various Office Premises, Commercial Complexes, Hospitals, Electric Sub-Stations and Parks & Gardens owned by the NDMC are being looked after by Security Department. Presently this is managed by deploying security personnel through private security agencies.

At present this department incurs expenditure on the following:-

- i) Security personnel deployed under nine group contracts i.e. 'A' to 'J' (a total of 1050) and proposed 'K' (104). It is certified that the approval of the competent authority exists in respect of the strength shown as at Annexure-I.
- ii) Security Guards as daily wager, contractual & RMR-a total of 81.
- iii) Booth Operators & DEOs for operation of PGMS (Parking Guidance & Management System) at NDCC-II, Palika Parking and Talkatora – a total of 36.
- iv) Technical Officers for operation of X-Ray Baggage Inspection System at NDCC-II, Palika Kendra and Palika Bazar.
- v) Drivers engaged for Control Room duties.
- vi) Trainer(s)
- vii) Delhi Armed Police personnel at Cash Counters (a total of 4)
- viii) AMC of four XBIS (X-Ray Baggage Inspection System)
- ix) Purchase/ Maintenance of Security equipments, uniform and miscellaneous works/items.

A Budget provision of `1756 lakh under the Budget Head - 2201103 - SECURITY for current financial year exists. Provision for excess amount of the estimate will be taken in the Revised Estimate for the year 2013-14.

4. DETAILED PROPOSAL ON THE PROJECT/SUBJECT

The detail proposal is as under:-

Sl. No.	Description	Estimated Amount (in `)
1.	Contract Group 'A'	2,07,30,001.00
2.	Contract Group 'B'	2,08,78,085.00
3.	Contract Group 'C'	2,27,49,363.00
4.	Contract Group 'D'	2,09,58,873.00
5.	Contract Group 'E'	1,98,81,387.00
6.	Contract Group 'F'	1,75,48,385.00
7.	Contract Group 'G'	1,56,78,010.00
8.	Contract Group 'H'	1,84,74,248.00
9.	Contract Group 'J'	1,51,02,510.00
10.	Contract Group 'K'	1,37,59,977.00
11.	Total of 1 to 10	18,57,60,839.00
12.	Security Guards (daily wages basis), DP personnel, Drivers, Trainers, other staff and Purchase/Maintenance of security equipments, uniform & miscellaneous works/items.	2,25,80,821.00
	Grand Total:	20,83,41,660.00

The calculation is based on Minimum Wages Act applicable w.e.f. 01.04.2013 (vide Notification No. F-12(142)/02/MW/VII/296 dated 16.04.2013.

Actual expenditure incurred during 2012-13 was `1498 lakh against the running Security Contracts approved by the competent authority which was 8.95% above the actual expenditure of `1375 lakh incurred during the year 2011-12. Now an Estimate of `2083 lakh for the current year 2013-14 has been prepared. The increase between the actual expenditure of 2012-13 and proposed for 2013-14 is about 39.05%. The reasons for this increase are:-

- Due to increase in Minimum Wages twice in a year by the Govt. of NCT Delhi.
- Formation of new Group Contract 'K' besides increase in strength at certain locations.
- Increase in number of locations and consequent manpower e.g. Foot Over Bridge, Barat Ghars etc.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/ SUBJECT

₹20,83,41,660.00 (Rupees twenty crore eighty three lakh forty one thousand six hundred sixty only)

6. IMPLEMENTATION SCHEDULE WITH TIMELINESS FOR EACH STAGE INCLUDING INTERNAL PROCESSING

Annual Estimate for the year 2013-14.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT WITH DIARY NO. & DATE

Finance Department vide Diary No. 1736/Finance dated 20.09.2013 observed as under:-

1. The file of P.E. for the year 2012-203 may be link with the case.
2. The specific approval in respect of Sl. No.1 to 10 and 12 as mentioned at P-1/N from the Competent Authority needs to be placed on record.
3. The tabular details of up to date expenditure incurred during the last year in respect of A to K Group Contracts and items mentioned at Sl. No. 12 at 1/N needs to be placed on record.
4. Certification from the deptt. That engagement of all Contractual Personnel is as per actual requirement and justified. Further, it is under approval of competent authority.
5. Correctness of information, data and computation be ensured and certified.
6. The case needs to be checked by Divisional Accountant.
7. The statement showing the reasons of variation in each group of security guard with the proper approvals as mentioned by the deptt. At P-2/N vide para no. b and c needs to be brought on record.
8. The deptt. has stated that during the last year the actual expenditure incurred was to Rs.1498 lakhs, which was 8.95% above the actual expenditure of Rs. 1375 lakh incurred during the year 2011-12. Hence, the proper justification in a tabular form in a comparative manner considering the last two year actual expenditure incurred may be brought on record.

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT

Observations of the Finance Department were clarified as under:-

1. File of Preliminary Estimate for the year 2012-13 was enclosed for reference.
2. Specific approval in respect of Sl. No. 1 to 9 and 12 was obtained in the Preliminary Estimate of 2012-13 (Photocopy of Resolution placed in the file). Approval obtained for item No. 10 placed in the file.
3. Details of expenditure incurred during last year (2012-13) in respect of A to K Group Contracts and items mentioned at Sl. No. 12 in tabular form are as under:

Sl. No.	Description	Amount in `
1.	Contract Group 'A'	2,78,83,750.00
2.	Contract Group 'B'	2,49,75,392.00
3.	Contract Group 'C'	1,42,02,819.00
4.	Contract Group 'D'	1,01,78,750.00
5.	Contract Group 'E'	2,18,63,491.00
6.	Contract Group 'F'	1,70,18,668.00
7.	Contract Group 'G'	1,09,77,073.00
8.	Contract Group 'H'	89,93,581.00
9.	Contract Group 'J'	#
10.	Newly created Group Contract 'K'	-
11.	Total	13,60,93,524.00
12.	Security Guards (daily wages basis), DP personnel, Drivers, Trainers, other staff and Purchase/Maintenance of security equipments, uniform & miscellaneous works/items.	1,37,16,582.00

Due to non-finalization of tenders, no expenditure was incurred.

4. It is certified that engagement of all Contractual Personnel is as per actual requirement and justified and also it is under approval of the competent Authority.
5. It is certified that the information, data and computation is based on the record.
6. Needful done.
7. New Group Contract 'K' was formed for providing Security Personnel at NDMC Schools and Shivaji Stadium for which the approval from competent authority has been obtained. On the request of the needy/user department, additional security personnel are deployed through existing contractor at newly approved locations.
8. Justification of last two years actual expenditure in a tabular form is as under:-

Year	Expenditure	Justification
2011-12	1375 Lakh	Increase in Minimum Wages by Govt. of NCT Delhi twice in a year Deployment of additional SG from time to time as per requirement of needy departments. Formation of 2 new Group Contracts i.e. 'J' & 'K.'
2012-13	1498 Lakh	
2013-14	2083 Lakh	

Here, it is very relevant to mention that due to certain inherent peculiarities of security services the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to following reasons:-

- 1) **Amount** – Increase in Minimum wages by Govt. of NCT Delhi twice or thrice in a year.
- 2) **Manpower** – Deployment of additional SG from the existing contractor from time to time as per requirement of needy departments duly approved by the competent authority.
- 3) **Time schedule** – Extension of term of contract (period) due to non finalization of new Tenders/due to one or the other administrative reason discussed in detail in various Council Meetings and Council have no option but to extend the term of existing contracts till finalization of new contracts.

Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

Accordingly; the case was submitted to Finance Department for consideration of the proposal of the Department.

The Finance again observed as under:-

1. The deptt has not submitted the complete/satisfactory replies of observations made vide para no. 2 & 7.
2. There is a variation in the amount mentioned for contract Group 'K' between the Actual Sanction Estimate and proposal. The reasons may be specify.

3. The tabular detail of total number of Security Guards Group wise deployed in the previous year as well as proposed to be deployed in the current year along with the proper sanctions may be brought on record.

Para wise clarifications to the observations of Finance Department are as under:-

1. Specific approvals in respect of Sl No. 1 to 9 and 12 for deployment of security guards through security agencies as well as NDMC have been taken in the preliminary estimate 2012-13 vide Reso. No. 06 (U-3) dated 28.08.2012 placed in the file. Further all relevant approvals for deployment of security personnel's are placed in the file. Approval for Group Contract K is also placed in the file.
2. The reason for variation in the actual sanctioned estimate and proposal is due to increase in the minimum wages notified by the Govt. of NCT Delhi from time to time. At the time of A/A& E/S, basis of wages were taken, which were effective on 01.10.2012, as per calculation sheet placed in the file. Whereas now, on proposal of Annual Estimate wages has increased and proposal of Annual Estimate has been taken on the basis of wages effective from 01.04.2013. Further One Chief Supervisor has also included in this Group in view of the Reso. No. 13(U-04) dated 14.01.2011, which was inadvertently not incorporated at the time A/A & E/S, now considered.
3. As desired, tabular detail of total number of Security Guards and sanctions are placed in the file. The detail of total number of Security Personnel is as under:

S.No.	Security Group Contract	No. of Deployment 2012-13	No. of Deployment 2013-14
1.	'A'	176	120
2.	'B'	132	122
3.	'C'	130	124
4.	'D'	115	114
5.	'E'	120	137
6.	'F'	97	121
7.	'G'	88	108
8.	'H'	104	100
9.	'J'	104	104
10	'K'	104	104
	Total:	1169	1154

Further the Annual Estimate amount from the previous year i.e. 2012-13 to 2013-14 has increased from `17,30,77,801.00 to `20,83,41,660.00 due to up gradation of Security Guards from Unskilled to Semi skilled in pursuance of Order of Home Deptt of Govt. of NCT Delhi and hike in Minimum Wages, which are very much clear from the calculation sheets of previous years placed in the Annual Estimate file of 2012-13 and current year Annual Estimate file.

The case was resubmitted to Finance Department for favour of kind consideration of proposal of the department.

9. FINAL VIEW OF FINANCE DEPARTMENT

Finance Deptt. considered the proposal on the following parameters:-

1. The CSO recommended the Annual Estimate after being Technically, Administratively; Financial and other aspects satisfied itself about the Annual Estimate.
2. The Annual Estimate amounting to `20,83,41,660/- (Rupees twenty crore eighty three lakhs forty one thousand six hundred sixty only).
3. Observations of the Finance Deptt on broad Financial Parameters have been addressed by the Deptt.

The Deptt may process the case to the Competent Authority for obtaining A/A & E/S to the Council.

10. LEGAL IMPLICATION OF THE SUBJECT/PROJECT

There is no legal implication on the project.

11. DETAIL OF PREVIOUS COUNCIL RESOLUTIONS, EXISTING LAW OF PARLIAMENT AND ASSEMBLY ON THE SUBJECT.

Estimate for the year 2012-13 was sanctioned by the Council vide Reso. NO.06 (U-03) dated 28.08.2012.

12. COMMENT OF THE LAW DEPARTMENT ON THE SUBJECT /PROJECT

There is 'No Law Point involved in this case'. However, department is to ensure that the facts and figures mentioned in the annual estimate are as per approval of the Competent Authority. Hence; no comments can be offered by this department.

13. COMMENT OF THE DEPARTMENT ON THE COMMENTS OF LAW DEPARTMENT.

It is ensured that the facts and figures mentioned in the annual estimate are as per approval of the Competent Authority.

14. FINAL VIEW OF LAW DEPARTMENT

As above at point 12.

15. CERTIFICATION THAT ALL CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE.

It is certified that all CVC guidelines have been followed while processing the case.

16. RECOMMENDATIONS

Recommended for according Administrative approval and expenditure sanction to estimate amounting to `20,83,41,660.00 (Rupees twenty crore eighty three lakh forty one thousand six hundred sixty only) for the work Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract A TO K and other items for the year 2013-14. It is also proposed to allow the Department to take action in anticipation of confirmation of Minutes of the Council Meeting.

Further; it is submitted for information and orders of the Council that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons explained to Finance Department and

given above. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

17. DRAFT RESOLUTION

Resolved by the Council to accord Administrative approval and Expenditure Sanction to the Estimate amounting `20,83,41,660.00 (Rupees twenty crore eighty three lakh forty one thousand six hundred sixty only) for the work Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract A TO K and other items for the year 2013-14. It is also proposed to allow the Department to take action in anticipation of confirmation of Minutes of the Council Meeting.

Further; it is submitted for information and orders of the Council that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons explained to Finance Department and given above. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn/terminated abruptly.

COUNCIL'S DECISION

Resolved by the Council to accord Administrative approval and Expenditure Sanction to the Estimate amounting `20,83,41,660.00 (Rupees twenty crore eighty three lakh forty one thousand six hundred sixty only) for the work Security and Traffic Services/ Arrangements at NDMC Premises under Group Contract 'A' to 'K' and other items for the year 2013-14.

Further it is noted by the Council that due to certain inherent peculiarity of security services, the total expenditure actually incurred for all awarded Contract Groups could not be restricted within sanctioned limit w.r.t. amount, manpower and time schedule owing to reasons explained and given above. Moreover; security services being a process in continuum requires seamless transition and hence cannot be withdrawn or terminated.

It was also observed by the Council that the total No. of Deployment 2012-13, mentioned at the table in para 8 (bottom) of the preamble be read as '1170' instead of '1169'.

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.

ITEM NO. 10 (E-03)

1. **Subject:** - Approval of Rate Contract for procurement of Allopathic Medicines for one year from the date of approval by the council.
2. **Name of the department:** - Medical Department.
3. **Brief History of the Subject:** - Medical care through its hospitals, dispensaries and MCWC's is an obligatory function of the council under section 11 of NDMC Act 1994. All basic and essential medicines required by these institutions for the treatment of patients are provided free of cost by NDMC. A sum of Rs. 300/- Lac has been allocated under the head of account 34.230.80.47 in the budgetary estimates for the year 2013-14 for this purpose.

The department had selected/registered 52 firms for a period of three years vide council's resolution no. 02 (E-02), dt: 27.06.2013 (**Annexure 'A' See pages 98-100**). The limited tenders were invited through e-procurement system from these 52 registered firms for the rate contract for procurement of Allopathic Medicines (by generic name) for a period of one year from the date of approval by the Council.

4. **Detailed Proposal on the Subject/Project:** - Administrative Approval and Expenditure Sanction amounting to Rs.300 Lac was accorded by the Council vide Reso. No. 02 (E-01) dated 23.05.2013 for procurement of Allopathic Medicines for the year 2013-14 (**Annexure-B See pages 101-105**).

Sealed tenders through e-procurement system for the medicines selected by the purchase sub committee were invited from the empanelled firms as per the drug

procurement policy of NDMC. Thirty eight firms out of the fifty two firms empanelled with NDMC participated in the tender process. A comparative statement of the rates quoted for each and every salt/preparation by these participating firms was drawn up and the firm which quoted the lowest (L1) rate for the particular salt/preparation has been recommended for approval (**Annexure 'C' pages See pages 106-121**). The said rate contract shall be valid for a period of 12 months from the date of council's resolution.

5. **Financial Implications of the Proposed Project:** - Rs.300/- Lacs.
6. **Implementation Schedule:** - The rate contract will come into effect from the date of council's approval. The supplies are calculated based on consumption of different salts/preparations in the previous quarter and the stock position at hand and will be indented every quarter by placing supply order with the approved firms for the specified salt/preparation under the rate contract.
7. **Comments of the Finance Department on the Subject:** - Concurred vide no. 2029/Finance/R-MOH t 03.10.2013.
8. **Comments of the Department on Comments of Finance:** - Nil.
9. **Legal Implications of the Subject:** - Nil.

10. Details of Previous Council Resolution, Existing Law of Parliament and Assembly on the

Subject: - Resolution No.02 (E-2) dated 27.06.2013 regarding empanelment of firms.

11. Comments of the Law Department of the Subject/Project: - Nil.

12. Comments of the Department on the Comments of the Law Department: - Nil.

13. Certification by the Department that All Central Vigilance Commission (CVC) Guidelines

have been followed while processing the case: - It is certified that all the CVC guidelines have been followed.

14. Recommendations: -

A) Approval of Rate Contract for purchase of Allopathic Medicines for one year from the date of approval by the Council, during the financial year 2013-14 and 2014-2015.

B) For sanction of an additional budget of Rs.175/- Lac in Revised Estimate for procurement of Allopathic Medicines during the current financial year 2013-14.

COUNCIL'S DECISION

Resolved by the Council to approve the Rate Contract for purchase of Allopathic Medicines for one year from the date of approval by the Council, during the financial year 2013-14 and 2014-2015, subject to following conditions :

1. Only generic drugs will be procured.
2. The empanelled agencies shall supply the drugs directly.
3. The drugs which are prescribed by the GoI to be procured from the Public Sector Drug Manufacturing companies shall not be procured from private suppliers.

Further it was resolved by the Council to approve an additional budget of Rs.175/- Lac in Revised Estimate for procurement of Allopathic Medicines during the current financial year 2013-14.

ANNEXURES

98 – 121

Annexure ends

ITEM NO. 11 (T-02)**1. Name of the Subject/Project.**

Naming/Renaming of road in NDMC area.

2. Name of the Department.

General Administration Department.

3. Brief History of the Subject/Project.

A request was made to the Hon'ble Chief Minister, Delhi by Ch. Shiv Lal to name a road/stretch in the name of Ch. Dilsukh Marg. In the letter it was mentioned that Ch. Dilsukh Ji was a notable social activist and a freedom fighter among whole Delhi dehaat. He was a true legend and a savior of humanity. It was also mentioned that he was linked with many other freedom fighters from Haryana and Meerut. He drew his inspiration from late Sh. Bhagwat Dayal Sharma and was one of his close ally. He brought farmers and villagers together and motivated them to fight for independence, he lived in exile for 4-5 years in village Katheda near Dadri (Uttar Pradesh). The matter was forwarded by the Chief Minister Office to NDMC for appropriate and necessary action. Thereafter, comments were sought from Roads Division, NDMC. It has been informed by S.E. (Roads), Civil Engineering Department, that no unnamed road/street is available in NDMC area which can be named as "Ch. Dilsukh Marg". The Roads Division further informed that a lane between Govt. colonies known as "A" Avenue, Sarojini Nagar, may be renamed as "Ch. Dilsukh Marg" if the same is approved by the State Names Authority. The Roads Division has also provided a site plan of the said lane (**Annexure 'A' see page 127**). The

length of the lane is 350 M. and its width is 5 M. Previously, "B" Avenue & "T" Avenue, Sarojini Nagar have been renamed as "Shri Vinayak Mandir Marg" and "Rajmata Vijayaraje Scindia Marg" by NDMC vide Council Resolution No.3 (iv) dt.01.11.2002 and Resolution No.3(vi) dt.26.02.2002, respectively.

4. Detailed Proposal on the Subject.

The Rule position regarding naming/renaming of streets, installation of statues, memorials etc. in Delhi/New Delhi is as follows:

- i) Section 231(i) (a) of the NDMC Act, 1994 deals with naming and numbering of streets. The section provides as follows:

"The Chairman may with the sanction of the Council determine the name/number by which any street or public place vested in the Council shall be known."

- ii) Renaming of Streets is to be governed by the guidelines issued by the Ministry of Home Affairs vide their letter No.13022/34/74/Delhi dated 27.09.1975 (**Annexure 'B' see pages 128-132**). The guidelines stipulate that the names of existing streets/roads should not be changed. Only new streets/roads and such old streets/ roads as are in existence without specific names may be named after eminent personalities.
- iii) State Names Authority, Govt. of NCT of Delhi, has also issued guidelines for naming/numbering of roads, street etc (**Annexure 'C' see pages 133-149**). The guidelines, circulated by the Deptt. of Urban Development, Govt. of NCT of Delhi, vide Circular No.12/40/2003/SNA/UD/4006-34 dated 18.06.2004, are as under:

Naming of Roads/ Streets etc.

- (a) Request for naming a park, street, road, colony etc. should come from a group of persons such as Association, Manch, Sangh, Group etc. and not from any single person. The entity should normally be registered under the Societies Registration Act. RWAs under Bhagidari Cell can also send proposals.
- (b) After preliminary scrutiny, the proposals will be sent to the concerned Deputy Commissioners of the Revenue districts as well as the Land Owning Agencies, who will give their views within 30 days. Thereafter proposals will be scrutinized by a sub committee of SNA chaired by Principal Secretary (Urban Development).
- (c) Only proposals recommended by the sub committee will be placed before the State Names Authority. Every proposal should be accompanied by a brief write up about the accomplishments of the individual whose name is proposed.
- (d) If any road, park, street, building etc. has already been named after a particular dignitary, then a fresh proposal for naming any other place after the same dignitary will normally not be entertained.
- (e) The service rendered by the nominee to the nation and particularly to Delhi will be the major guiding principle for taking a decision.
- (f) A road, street, park etc. should be named as far as possible, in the area where the particular dignitary resided.
- (g) Names of living persons will not be entertained. While considering names of foreigners (of international standing) the views of Ministry of External Affairs should be obtained.

Renaming of Roads/ Streets etc.

- (a) The names of existing streets, roads etc. will normally not be changed. Only new streets, roads etc. will be considered for being named after eminent personalities.
- (b) Names, which are a part of history, will not be altered.
- (c) All proposals for re-naming will be referred to Ministry of Home Affairs, Govt. of India in accordance with instructions in letter-dated 27.09.1975.

- (iv) The Council has adopted the following criteria for naming/ renaming of the roads/streets vide Resolution No. VIII (C-31) dated 13.10.2006 (**Annexure 'D' see pages 150-157):-**

- (a) Naming and numbering of public streets have to be with the sanction of the Council as per Section 231 (i) (a) of the NDMC Act. The representation for naming should be from a group of persons such as an Association, Manch etc. Any proposal for naming has to be put-up for sanction or rejection of the Council. The name has to be for an unnamed road/street. Subsequently the decision taken by the Council is to be communicated to the State Names Authority (SNA), GNCT of Delhi for their approval. The cases of rejection by the Council may be communicated directly to the concerned organization.
- (b) The guidelines of the Ministry of Home Affairs, Govt. of India, vide letter No.13022/34/74/Delhi dt.27.09.1975 are to be strictly adhered to with respect to renaming of streets. Any renaming can be considered by the Council only when there are directives from the Govt. of India. The Department shall communicate to the applicants directly as per guidelines of the Govt. of India. Renaming can only be an exception. Recommendations can be given by the Council regarding renaming. Any contrary decision of the Govt. of India shall be brought to the notice of the Council.

- (c) With regard to installation of statues, the guidelines of the Govt. of India are to be adhered to strictly and all proposals are to be forwarded to the State Names Authority and Govt. of India for requisite permissions.
- (d) Byelaws for naming of streets shall be framed taking into consideration the guidelines of the State Names Authority and Govt. of India. With regard to action taken in the past, the matter shall be referred to Ministry of Home Affairs for approval.
- (e) Any other Guidelines as decided by the Council. The Council may consider the proposal/request regarding naming/renaming of roads in the light of the above guidelines.

5. Financial Implications.

There are no financial implications.

6. Implementation schedule with timelines for each stage including internal processing.

Not applicable.

7. Comments of Finance Department on the subject

Renaming of roads in NDMC area is purely an administrative/policy matter. The department is requested to process the case further for according approval of Competent Authority strictly as per rules and guidelines of NDMC, keeping in view the instructions issued by Govt. of India in this regard.

8. Comments of the Department on comments of Finance Department

No comments.

9. Final views of Finance Department.

Not applicable.

10. Legal implications of the subject.

No legal implications are involved in the matter.

11. Comments of Law Department.

No legal issue is involved.

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

NIL

13. Details of previous council Resolutions, existing law of Parliament and Assembly on the subject:

- (i) Resolution No.16 (C-25) dated 28.10.2009.
- (ii) Resolution No.11 (C-6) dated 16.05.2007.
- (iii) Resolution No.VIII (C-31) dated 13.10.2006.
- (iv) Resolution No.3 (iv) dated 01.11.2002.

- (v) Resolution No.3 (vi) dated 26.02.2002.
- (vi) Details of policy on the subject given in para-4.

14. Certification that all Central Vigilance Commission's guidelines have been followed while processing the Case.

Not applicable.

15. Recommendations

Council may decide regarding re-naming of the road/street, "A" Avenue, Sarojini Nagar, as 'Ch. Dilsukh Marg'.

16. Draft Resolution.

That the lane known at 'A' Avenue from Brig. Hoshiar Singh Marg to 3rd Cross Road, Sarojini Nagar be renamed as Ch. Dilsukh Marg.

COUNCIL'S DECISION

Deferred.

ANNEXURE 127 TO 157

Annexure end

ITEM NO. 12 (U-02)**1. Name of the subject/project**

Security and Traffic Services/Arrangements at Palika Parking & other NDMC Premises under Group **Contract 'C'**.

2. Name of the Department/Departments concerned

Security Department

3. Brief history of the subject/project

The Security and Traffic Services at all the Office Premises, Commercial Complexes, Hospitals and Electric Sub Stations owned by the NDMC are being looked after by the Security Department, NDMC. Presently the Security and Traffic Services at most of the NDMC premises are managed by deploying security personnel through private security agencies under various Group Contracts i.e. A to K.

4. Detailed proposal on the subject/project

After following all codal formalities tenders for Security and Traffic Services/Arrangements at Palika Parking & other NDMC Premises under Group Contract 'C' were invited.

Following two firms participated through e-Tendering:-

S. NO.	NAME OF FIRM/AGENCY
1.	Skylark Securitas Pvt. Ltd.
2.	Advance Services Pvt. Ltd.

The report of the Sub-Committee constituted for technical evaluation was submitted to competent authority for information and approval. Thereafter the financial bids of both eligible firms were opened on 26.09.2013:

As per on line generated comparative statement the rates quoted by the firms per annum are worked out including quoted Service Charges which is as under:-

S. NO.	NAME OF FIRM/AGENCY	Amount In `
1.	Skylark Securitas Pvt. Ltd.	2,10,63,925.92
2.	Advance Services Pvt. Ltd.	2,11,52,945,28

M/s Skylark Securitas Pvt. Ltd. has quoted 6.48% Service Charge and emerged as the **L1** (lowest one).

The total quoted amount is ` 2,10,63,925.92 per annum making a total of `4,21,27,851.84 for two years. The rates quoted are 7.41% below the Estimated Cost.

The rates quoted by the firm seem to be reasonable and workable. It is therefore proposed that Group Contract 'C' for Security and Traffic Services/Arrangements at Palika Parking & other NDMC Premises be awarded to M/s Skylark Securitas Pvt. Ltd. at their quoted amount of ` 2,10,63,925.92 (Rupees Two crore ten lakh sixty three thousand nine hundred twenty five and paise ninety two only) per annum for a period of two years which comes to a total of ` 4,21,27,851.84 (Rupees Four crore twenty one lakh twenty seven thousand eight hundred fifty one and paise eighty four only) as per terms & conditions of NIT.

5. Financial implications of the proposed project/subject

The financial implication of the proposal works out to ` 4,21,27,851.84 for two years (i.e. ` 2,10,63,925.92 per annum).

6. Implementation schedule with timeliness for each stage including internal processing

Two years from the date of deployment.

7. Comments of the finance department on the subject

Finance Department vide Diary No.2035/Finance dated 03.10.2013 concurred in the proposal of the Department with the advice to ensure that no liability will be incurred in this behalf before obtaining the AA & ES of the Council in the Annual Estimate of 2013-14 in which this item is included.

8. Comments of the department on comments of Finance Department

The department will follow the advice of the Finance Department.

9. Final views of Finance Department

As mentioned at point no. 7

10. Legal implication of the subject/project

No legal issue.

11. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.

Tenders were floated on the previous A/A & E/S vide Reso. No.06(U-03) dated 28.08.2012 amounting to ` 2,05,55,774.00 under Annual Estimate 2012-2013 being 1st call rejected on 13.06.2013 . It is a running procedure however; on the previous practice AA & ES for this group has been included in the Annual Estimate 2013-14 which is concurred by Finance Department Vide Diary No.1736/Finance dated 20.09.2013 amounting to ` 2,27,49,363.00 Per annum for this Group. Annual Estimate for the Year 2013-14 and agenda will be placed before the Council on 07.10.2013. However no liability will be incurred in this behalf before obtaining the A/A & E/S in respect of Current Annual Estimate.

12. Comments of the Law Department

No legal implication is involved at this stage in the Agenda item.

13. Comments of the Department on the comments of Law Department.

No Comments

14. Final view of Law Department (wherever necessary)

N.A.

15. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

It is certified that all requisite guidelines of the CVC have been followed while processing the case.

16. Recommendation:

The Group Contract 'C' for Security and Traffic Services/Arrangements at Palika Parking & other NDMC Premises be awarded to M/s Skylark Securitas Pvt. Ltd. at their quoted amount of ` 2,10,63,925.92 (Rupees Two crore ten lakh sixty three thousand nine hundred twenty five and paisa ninety two only) per annum for a period of two years which comes to a total of ` 4,21,27,851.84 (Rupees Four crore twenty one lakh twenty seven thousand eight hundred fifty one and paisa eighty four only) as per terms & conditions of NIT.

Further; department may be allowed to award the tender for Group Contract 'C' in anticipation of confirmation of minutes of the meeting of the Council.

COUNCIL'S DECISION

Resolved by the Council that the Group Contract 'C' for Security and Traffic Services/Arrangements at Palika Parking & other NDMC Premises be awarded to M/s Skylark Securitas Pvt. Ltd. at their quoted amount of ` 2,10,63,925.92 (Rupees Two crore ten lakh sixty three thousand nine hundred twenty five and paisa ninety two only) per annum for a period of two years which comes to a total of ` 4,21,27,851.84 (Rupees Four crore twenty one lakh twenty seven thousand eight hundred fifty one and paisa eighty four only) as per terms & conditions of NIT.

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.

ITEM NO. 13 (U-03)**1. Name of the subject/project**

Security and Traffic Services/Arrangements at NDMC Premises under Group **Contract 'D'**.

2. Name of the Department/Departments concerned

Security Department

3. Brief history of the subject/project

The Security and Traffic Services at all the Office Premises, Commercial Complexes, Hospitals and Electric Sub Stations owned by the NDMC are being looked after by the Security Department, NDMC. Presently the Security and Traffic Services at most of the NDMC premises are managed by deploying security personnel through private security agencies under various Group Contracts i.e. A to K.

4. Detailed proposal on the subject/project

After following all codal formalities tenders for Security and Traffic Services/Arrangements at NDMC Premises under Group Contract 'D' were invited.

Following three firms participated through e-Tendering:-

S. NO.	NAME OF FIRM/AGENCY
1.	Good Year Security Service (Regd.)
2.	Skylark Securitas Pvt. Ltd.
3.	Advance Services Pvt. Ltd.

The report of the Sub-Committee constituted for technical evaluation was submitted to competent authority for information and approval. Thereafter the financial bids of following two eligible firms were opened on 26.09.2013:

S. NO.	NAME OF FIRM/AGENCY
1.	Skylark Securitas Pvt. Ltd.
2.	Advance Services Pvt. Ltd.

As per on line generated comparative statement the rates quoted by the firms per annum are worked out including quoted Service Charges which is as under:-

S. NO.	NAME OF FIRM/AGENCY	Amount In `
1.	Skylark Securitas Pvt. Ltd.	1,94,06,088.24
2.	Advance Services Pvt. Ltd.	1,91,41,824.24

M/s Advance Services Pvt. Ltd. has quoted 5.03% Service Charge and emerged as the **L1** (lowest one).

The total quoted amount is ` 1,91,41,824.24 per annum making a total of ` 3,82,83,648.48 for two years. The rates quoted are 8.67% below the Estimated Cost.

The rates quoted by the firm seem to be reasonable and workable. It is therefore proposed that Group Contract 'D' for Security and Traffic Services/Arrangements at NDMC Premises be awarded to M/s Advance Services Pvt. Ltd. at their quoted amount of ` 1,91,41,824.24 (Rupees One crore ninety one lakh forty one thousand eight hundred twenty four and paisa twenty four only) per annum for a period of two years which comes to a total of ` 3,82,83,648.48 (Rupees Three crore eighty two lakh eighty three thousand six hundred forty eight and paisa forty eight only) as per terms & conditions of NIT.

5. Financial implications of the proposed project/subject

The financial implication of the proposal works out ` 3,82,83,648.48 for two years (i.e. ` 1,91,41,824.24 per annum).

6. Implementation schedule with timeliness for each stage including internal processing

Two years from the date of deployment.

7. Comments of the finance department on the subject

Finance Department vide Diary No.2036/Finance dated 03.10.2013 concurred in the proposal of the Department with the advice to ensure that no liability will be incurred

in this behalf before obtaining the AA & ES of the Council in the Annual Estimate of 2013-14 in which this item is included

8. Comments of the department on comments of Finance Department

The department will follow the advice of the Finance Department.

9. Final views of Finance Department

As mentioned at point no.7.

10. Legal implication of the subject/project

No legal issue.

11. Details of previous Council Resolutions, existing law of Parliament and Assembly on the subject.

Tenders were floated on the previous A/A & E/S vide Reso. No.06(U-03) dated 28.08.2012 amounting to ` 1,82,01,460.00 under Annual Estimate 2012-2013 being 1st call rejected on 13.06.2013 . It is a running procedure however; on the previous practice A/A & E/S for this group has been included in the Annual Estimate 2013-14 which is concurred by Finance Deptt. Vide Diary No.1736/Finance dated 20.09.2013 amounting to ` 2,09,58,873.00 Per annum for this Group. Annual Estimate for the Year 2013-14 and agenda will be placed before the Council on 07.10.2013.

However no liability will be incurred in this behalf before obtaining the A/A & E/S in respect of Current Annual Estimate.

12. Comments of the Law Department

No law point is involved in the Agenda item at this stage

13. Comments of the Department on the comments of Law Department.

No Comments

14. Final view of Law Department (wherever necessary)

N.A.

15. Certificate by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

It is certified that all requisite guidelines of the CVC have been followed while processing the case.

16. Recommendation:

The Group Contract 'D' for Security and Traffic Services/Arrangements NDMC Premises be awarded to M/s Advance Services Pvt. Ltd. at their quoted amount of ` 1,91,41,824.24 (Rupees One crore ninety one lakh forty one thousand eight hundred twenty four and paise twenty four only) per annum for a period of two years which comes to a total of ` 3,82,83,648.48 (Rupees Three crore eighty two lakh eighty three thousand six hundred forty eight and paise forty eight only) as per terms & conditions of NIT.

Further; department may be allowed to award the tender for Group Contract 'D' in anticipation of confirmation of minutes of the meeting of the Council.

COUNCIL'S DECISION

Resolved by the Council that the Group Contract 'D' for Security and Traffic Services/Arrangements at NDMC Premises be awarded to M/s Advance Services Pvt. Ltd. at their quoted amount of `1,91,41,824.24 (Rupees One crore ninety one lakh forty one thousand eight hundred twenty four and paise twenty four only) per annum for a period of two years which comes to a total of `3,82,83,648.48 (Rupees Three crore eighty two lakh eighty three thousand six hundred forty eight and paise forty eight only) as per terms & conditions of NIT.

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.

ITEM NO. 14 (D-03)**1. Name of the Subject/Project :**

Re-appropriation of Funds in Budget Estimates 2013-14

2. Name of the Department/departments concerned : Finance (Budget) Department**3. Brief history of the Subject/Project :** Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, notified in Delhi Gazette on 23.11.2010, prescribes for re-appropriation of budget allocation as under:

“If at any time during the year, it becomes necessary to increase or reduce Budget Estimates of the current year under one function to another function or from one major head to another major head within the same function, or from one minor head to another minor head within the same major head, and the expenditure for the same cannot wait adoption of Revised Estimates by the Council on the recommendations of the Financial Advisor, the Chairperson, in anticipation of the approval of the Council, may authorize such alteration and place before the Council within one month from the end of the quarter, a report of such alteration and give effect to any order that may be passed by the Council in relation thereto.....”

Further, Section 56 of the NDMC Act,1994, prescribes that the Council may from time to time , during the year, transfer the amount or portion of the amount of the budget grant under any head to any other head.

Sub-section (2) of Section 56 further stipulates that every increase in a budget grant and every additional budget grant made in any year under sub-section (1) shall be deemed to be included in the budget estimates finally adopted for that year.

4. Detailed proposal on the Subject/Project

In pursuance of directions as contained in Section 56 of the NDMC Act,1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, a report of the re-appropriations in Budget Estimates 2013-14 authorized during 2nd Quarter of 2013-14 as per details enclosed at Annexure-I is placed before the Council for information and approval.

5. Financial implication of the proposed Project/Subject

No financial implication is involved as it involves only reappropriation within the total Budget. The total amount of reappropriation is as under :

(` in thousand)

	Plan	Non-Plan
Capital Section	Nil	43000
Revenue Section	Nil	420
Total	Nil	43420

6. Implementation schedule with timelines for each stage including internal processing.

Not applicable as Finance Department is not implementing department.

7. Comments of the Finance Department on the subject

Not applicable as the proposal itself is of Finance Department.

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

Not applicable as the proposal itself is of Finance Department.

9. Final views of Finance Department

Not applicable as the proposal itself is of Finance Department.

10. Legal Implication of the Subject/Project

Nil

11. Details of previous Council Resolution, existing law of Parliament and Assembly on the subject.

- Council vide its Reso. No. 06(D-02) dated 23.07.2013 approved re-appropriation of funds authorized up to 30.06.2013.
- Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010, notified in Delhi Gazette on 23.11.2010, prescribes for re-appropriation of budget allocation.

12. Comments of the Law Department on the Subject/Project.

Not applicable as it does not involve any legal aspect.

13. Comments of the Department on the comments of Law Department

Not applicable as it does not involve any legal aspect.

14. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

Not applicable being reappropriation of existing Budget provision.

15. Recommendation

Re-appropriation in Budget Estimates 2013-14 authorized during 2nd Quarter of 2013-14 as detailed in **Annexure-I (See pages 166-168)** be approved by the Council in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

16. Draft Resolution

Resolved that the Re-appropriations in Budget Estimates 2013-14 authorized during 2nd Quarter of 2013-14 as detailed in **Annexure-I (See pages 166-168)** are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

COUNCIL'S DECISION

Resolved by the Council that the Re-appropriations in Budget Estimates 2013-14 authorized during 2nd Quarter of 2013-14 as detailed in Annexure-I of the preamble are approved in terms of Section 56 of the NDMC Act 1994 & Regulation 8 of the NDMC (Budget Estimates) Regulations, 2010.

ANNEXURE-I**Re-appropriation of funds in Budget Estimates 2012-13 during 2nd Quarter vide RAO No. 4 to 6****Statement-IX— Detailed Statement of Expenditure**

(In Thousands)

	CoA	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last Re- Appro.	B.E. 2013-14 after current Re-Appro.	Amount Re- appro.	Remarks/ Reasons for Re-Appro.	RAO No./Sanction order No. & Date
From	81.220.12.00	205 Elect. M/N. North Div.	Communication Expenses	1300	1300	1150	-150	Funds required for Settlement of TA/DA Claims	RAO-5 Budget/ 262/ / SA-I / Fin(B) Dated 02.08.2013
To	81.220.20.00	205 Elect. M/N. North Div.	Books & Periodicals	NIL	NIL	10	10		
To	81.220.30.00	205 Elect. M/N. North Div.	Travelling and Conveyance	20	20	160	140		
From	81.220.30.00	210 Elect. 11 KV Plg.	Travelling and Conveyance	50	50	30	-20	Funds required for Settlement of Composite Transfer grant claims	RAO-5 Budget/ 262/ / SA-I / Fin(B) Dated 02.08.2013
To	81.210.40.13	210 Elect. 11 KV Plg.	Composite Transfer Grant	NIL	NIL	20	20		
From	7.210.20.09	221 Elect. Store-II	LTC	500	500	250	-250	Funds required for security arrangements	RAO-6 Budget/ 295/ / SA-I / Fin(B) Dated 26.08.2013
To	7.220.11.03	221 Elect. Store-II	Security and Surveillance expenses	NIL	Nil	250	250		
Total						1870	1870		

Statement-X— Details of Capital Expenditure/Capital works in progress

(` In Thousands)

	CoA	Scheme No. /Sub Scheme No.	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last Re-Appro.	B.E. 2013-14 after current Re-Appro.	Amount Re-appro.	Remarks/ Reasons for Re-Appro.	RAO No./Sanction order No. & Date
From	81.412.40.0	20/5	216 EC-VI Div.	33 KV Sub-Station at Church Road DMRC	70000	70000	65500	-4500	Funds required for making the payments to the firm/ Contractor.	RAO-4 Budget/ 246/ / SA-I / Fin(B) Dated 16.07.2013
To	81.412.40.0	23/7	216 EC-VI Div.	Supply, Installation, Testing and Commissioning of capacitor banks at various NDMC Sub Stations (NDMC)	Nil	Nil	4500	4500		
From	21.412.40.0	20/40	104 R-I Div.	Improvement to lawyers parking at Bhagwan Das Road by providing mastic asphaltic wearing course	5000	3686*	1686	-2000		
To	21.412.40.0	31/7	104 R-I Div.	Resurfacing to Tilak Lane	7000	7000	9000	2000		

*already re-appropriated vide RAO No. 3 Dated 20.06.2013.

From	81.490.90.12	102/19	216 EC-VI	Replacement of 33KV SF6 Panel Board with 33KV GIS DBB Board at 33 KV ESS School Lane	40000	40000	16000	-24000	Funds required for making the payments to the firm/ Contractor.	RAO-4 Budget/ 246/ / SA-I / Fin(B) Dated 16.07.2013
To	81.490.90.12	101/17	216 EC-VI	Aug./ Replacement of 33 KV Old switchgears with new GIS switchgear at ESS AIIMS, Vidyut Bhawan and	20000	20000	40000	20000		

				Baired Lane						
To	81.490.90.12	102/2	216 EC-VI	Replacement of old 33KV, 300 SQ. MM/3C, Pilca cable with 33KV 400 SQ. MM/3C XLPE from ESS exhibition ground to 33KV ESS Tilak Lane	2300	2300	6300	4000		

	CoA	Scheme No./Sub Scheme No.	Field Code/ Deptt.	Particulars	B.E. 2013-14	B.E. 2013-14 Till last Re-Appr.	B.E. 2013-14 after current Re-Appr.	Amount Re-appro.	Remarks/ Reasons for Re-Appr.	RAO No./Sanction order No. & Date
From	81.412.40.0	22/2	212 EC-II Div.	Establishing Sub-Station at Africa Avenue Cross Road No.-II	2000	2000	100	-1900	Funds required for making payment to contractor	RAO-6 Budget/ 295/ / SA-I / Fin(B) Dated 26.08.2013
To	81.412.40.0	26/7	212 EC-II Div.	Shifting of existing sub-Station from Ground floor to the proposed location in basement of handloom complex at Janpath Lane New Delhi	500	500	2400	1900		
From	81.412.40.0	22/26	210 Elect. 11KV Plg.	Installation of Unitised Sub-Station 990KVA for Pillanji Village.	6100	6100	Nil	-6100	Scheme transferred from 11KV Plg. To EC-II	RAO-6 Budget/ 295/ / SA-I / Fin(B) Dated 26.08.2013
To	81.412.40.0	22/26	212 EC-II Div.	Installation of Unitised Sub-Station 990KVA for Pillanji Village.	Nil	Nil	6100	6100		
From	81.490.90.12	101/5	211 EC-I Div.	Replacement/ Augmentation of LT Switchgears and Transformers at various electric S/S in maintenance south area of NDMC	15000	15000	10500	-4500	Funds required for making payment to contractor	RAO-6 Budget/ 295/ / SA-I / Fin(B) Dated 26.08.2013
To	81.490.90.12	101/6	211 EC-I Div.	Replacement of 11KV HT Panel in 30 Nos. electric sub-station in maintenance south area of NDMC	Nil	Nil	4500	4500		

Total	166586	166586			
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ITEM NO. 15 (C-16)

CONTRACTS/SCHEMES INVOLVING AN EXPENDITURE OF RS. 1 LAC BUT NOT EXCEEDING RS. 200 LACS.

Section 143 (d) of NDMC Act, 1994 provides that every contract involving an expenditure of Rs.1 lac but not exceeding Rs.200 lacs under clause 143 (c) shall be reported to the Council. In pursuance of these provisions, a list of contracts entered/executed upto August, 2013, have been prepared.

A list of the contracts, entered into for the various schemes, is accordingly laid before the Council for information. **(See pages 170-185).**

COUNCIL'S DECISION

Information noted.

Annexure 16 pages till 185

Annexure end

ITEM NO. 16 (C-17)

ACTION TAKEN REPORT ON THE STATUS OF ONGOING SCHEMES/WORKS APPROVED BY THE COUNCIL.

In the Council Meeting held on 28.8.1998, it was decided that the status of execution of all ongoing schemes/works approved by the Council indicating the value of work, date of award/start of work, stipulated date of completion & the present position thereof be placed before the Council for information.

The said report on the status of the ongoing schemes/works upto July, 2013, had already been included in the Agenda for the Council Meeting held on 04.09.2013.

A report on the status of execution of the ongoing schemes/works awarded upto August, 2013, is placed before the Council for information. **(See pages 187-219).**

COUNCIL'S DECISION

Information noted.

Annexure 33 pages till 219

Annexure end

ITEM NO. 17 (E-04)

01. Subject: - Installation of upgraded/fabricated/Modular Operation Theatres (O.T's.) and renovation of Recovery Room, Labour Room Complex and Neonatal Intensive Care Unit (N.I.C.U.) as clean rooms.

02. Name of the Department: - Medical Department.

03. Brief History of the subject: - Palika Maternity Hospital (PMH) is functional since 1985. The Council has approved the proposal for strengthening/ up gradation of Maternity & Childcare Services in this Hospital by procuring new equipments and furniture etc. at a cost of ₹ 6,93,28,000 vide Resolution No. 05(E-03) dt.27.11.2012 (**Annexure 'A' See pages 223-232**).

04. Detailed proposal of the subject/project: - Installation of Pre-fabricated/Modular Operation Theatres and Recovery Rooms Complex and NICU as Clean Rooms in PMH. (Part-A) & Procurement of Dual Dome LED OT Light and Electro Hydraulic OT Table for PMH (Part-B) as part of above proposal.

An A/A & E/S to the preliminary estimate of ₹ 6,93,28,000/- for strengthening / up-gradation of Palika Maternity Hospital by procurement of equipments and furniture etc. has been accorded by the Council vide item no. 05(E-03), dt: 27.11.2012. Out of the estimated amount of ₹ 6,93,28,000/- a sum of ₹ 1,94,25,000/- has been allocated for Installation of upgraded/fabricated/ Modular Operation Theatres (O.T's.) and renovation of

Recovery Room Labour Room Complex and Neonatal Intensive Care Unit (NICU) as clean rooms (as works) which includes Dual Dome LED OT Light and Electro Hydraulic O.T. Table for PMH (as supplies).

An open tender was floated by the deptt. for the above works and supplies with an estimated cost of ₹ 1,94,25,000/- which has been approved by the Council. The lowest quoted rates in the present tender is ₹ 2,04,36,500/- which is 5.21% above the estimated cost.

- 05. Financial Implication of the Proposed Project:** - ₹ 02,04,36,500/- + VAT.
- 06. Implementation schedule:** - The work shall be awarded to the respective L1 bidders immediately after the approval of the Council with a stipulated period of 75 days for completion of work and 30 days for the supply from the date of award of contract during the current financial year 2013-14.
- 07. Comments of the Finance Department on the subject:** - Agreed to the proposal of the department, vide no. 1613/Fin, dt: 11.09.2013.
- 08. Comments of the Department on comments of the Finance:** - Observations of the Finance Deptt. have been clarified by the department.

09. **Legal implications of the subject:** - Nil.
10. **Details of previous council resolution existing law of parliament and assembly on the subject:** - Resolved by the Council, vide Resolution No. 05(E-03) dt.27.11.2012.
11. **Comments of the Law Department on the subject/project:** - "It has no legal issue".
12. **Comments of the Department on the comments of the Law Department:-** Nil.
13. **Certification by the Department that All Central Vigilance Commission (CVC) guidelines have been followed while processing the case:** - Certified that all CVC guidelines have been followed while processing the case.
14. **Recommendations:** -
- i) Recommended for award of work/supply amounting to ₹ 02,04,36,500/- + VAT to L1 firms at their lowest quoted rates for Installation of Pre-fabricated/Modular

Operation Theatres and Recovery Rooms Complex and N.I.C.U. as Clean Rooms in P.M.H. (Part-A) & Procurement of Dual Dome L.E.D. O.T. Light and Electro Hydraulic O.T. Table for P.M.H. (Part-B).

- ii) Permission to award of work/supply order in anticipation of confirmation of minutes of the meeting as the project is running behind schedule.

COUNCIL'S DECISION

Resolved by the Council to award the work/supply amounting to ` 02,04,36,500/- (` Two crore four lacs thirty six thousand five hundred only) + VAT to L1 firms at their lowest quoted rates for Installation of Pre-fabricated/Modular Operation Theatres and Recovery Rooms Complex and N.I.C.U. as Clean Rooms in P.M.H. (Part-A) & Procurement of Dual Dome L.E.D. O.T. Light and Electro Hydraulic O.T. Table for P.M.H. (Part-B).

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.

Annexure till 232

Annexure End

ITEM NO. 18 (L-03)**1 Name of the Subject:**

Operation and maintenance of Five Star Hotel Premises at 1, Man Singh Road after the expiry of the extended period on 10th October, 2013.

2 Name of the Department:

Estate-I Department

3. Brief History of the Subject:

A land measuring 3.78 Acres at 1, Man Singh Road alongwith structure was offered to NDMC by the Ministry of Works & Housing for constructing a hotel for making it available for the PATA Conference . India Hotel Company Ltd.(IHCL) approached the New Delhi Municipal Committee to collaborate in construction of the hotel. After executing the Collaboration Agreement, a licence deed was also executed between the New Delhi Municipal Committee and IHCL. The licence was commenced w.e.f. 11.10.1978 for a period of 33 years up to 10.10.2011. The matter was placed before the Council in its meeting held on 7.10.2011 wherein Council resolved as under:

“(i) to accord sanction for extension of existing collaboration project and lease deed for one year upto 10.10.2012, subject to the condition that the Indian Hotel Corporation (IHC) shall agree to pay licence fee as per mutually agreed terms and conditions retrospectively w.e.f. 11.10.2011.

(ii) to accord sanction for further review and action in accordance with the decision of Ministry of Urban Development, the legal advice, the Committee’s recommendations & Consultant’s reports.

The Council also directed that the Deptt. should workout the timelines for completing the above exercise and the Council be informed of the progress.

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. "

Further the Council vide Resolution No. 08(L-01) dated 25.7.2012 resolved as under:

"After considering the facts and circumstances of the case, it was resolved by the Council by majority, that the Council may charge from the Licensee, M/s IHC Ltd. License Fee @ of 17.25% of the Gross Turnover or Rs.21 Crores a year for the period from 11.10.2011 to 10.10.2012, whichever is higher.

The Council further directed that the final report of the Consultant appointed to recommend further course of action be brought before the Council at the earliest.

It was also resolved by the Council that further action in the matter be taken by the department in anticipation of confirmation of the minutes by the Council"

The Council vide Resolution No.09(E-03) dated 27.9.2012 further resolved as under:

"The Council carefully considered all the facts placed before it in the Agenda Item, including the Annexures, and noted that IHC not only has a clean record in its dealing with the Council, but has also made regular payments of license fee to it till date and that there are no disputes between the Council and the License (IHC Ltd.).

After discussing at length the pros and cons of the two options proposed in the Item the Council Resolved by majority, to opt for public auction, in a fair and transparent manner,

of the N.D.M.C. property at 1, Man Singh Road, with first right of refusal to Indian Hotel Company. The recourse to public auction would serve to determine the market price of the license fee, that IHC would have to match if they wish to run a hotel at this property. This option, the Council noted would also safeguard its revenue interests.

The Council further resolved by majority to extend the period of license of IHC, on existing terms and conditions, for a further period of one year or till such time a new licensee is chosen through the bidding process, whichever is earlier.

That further action may be taken by the department in anticipation of confirmation of the Minutes by the Council.”

Thereafter, in the meeting dated 10.4.2013 RFP was placed before the Council. However, the Council vide Reso. No.07 (L-05) dt. 10.4.2013 has decided to await for copy of the orders in the pending court cases and thereafter the matter would be discussed in the Spl. Meeting of the Council.

Thereafter the MHA vide letter dated 10.5.2013 communicated that “the first right to refusal in the said public auction has not been provided for in the lease deed. A provision of first right to refusal will result in lower bids in the public auction. Therefore, MHA is of the considered opinion that the first right of refusal should not be allowed to IHCL in the proposed auction and fresh lease should be granted by open public auction”.

The matter was again placed before the Council vide Reso. No.07(L-03) dated 27.6.2013 and it was resolved by majority to forward the matter seeking advice of Solicitor General of India through the Ministry of Home Affairs.

The MHA vide letter dt. 6.8.2013 to NDMC show cause as to why a direction be not issued to NDMC to resort to public auction and find the best bidder before the end of October, 2013. This office memorandum has been issued by virtue of the power vested in the Central Government in terms of Section 395 of the NDMC Act, 1994.

As the Council meeting was fixed for 4th September 2013 and the existing arrangement with M/s Indian Hotel Company Ltd. is up to 10th October 2013, it was considered necessary to have the matter expedited in the Ministry of Home Affairs by making a reference to Department of Legal Affairs so that opinion of Solicitor General can be obtained by Ministry of Law at an early date. Accordingly, DO letters dated 29th August 2013 and 3rd September 2013 were sent by the Chairman, NDMC to Jt. Secretary, MHA to have the matter expedited.

A letter no. 14011/12/2013-Delhi-II dated 3rd September, 2013 has been received from the Ministry of Home Affairs conveying that the Ministry has no objection to referring the matter to the Solicitor General of India by NDMC themselves for legal opinion. However, MHA consequently agreed to send the matter for the opinion of Ministry of Law, Deptt. of Legal Affairs and has sought brief note vide letter dt. 1.10.2013 for considered opinion of Solicitor General of India as referred to them by Deptt. of Legal Affairs.

4. Detailed proposal on the Subject:

The period of extended term as submitted above is going to expire on 10.10.2013. The NDMC had already engaged M/s. Ernst & Young to solicit expert consultancy services for providing essential input for the case of hotel Taj Man Singh. However, in due course of time as explained in the details above, the matter has been kept pending due to various deliberations taking place between MHA and MoUD and even Ministry of Law, Deptt. of Legal Affairs. NDMC has recently through MHA and Deptt. of Legal Affairs, referred the matter to Ld. SGI for opinion which is still awaited(**Annexure-I See pages 238-239**). Hence NDMC is still awaiting MHA

directions on the matter. As the time is short and term of extended period is going to expire on 10.10.2013, Council's further directions are sought.

5. Financial implication of the proposed Subject:

They are paying as per Council Resoluton of 25.7.2012.

6. Implementation schedule with timeliness for each stage including internal processing:

7. Comments of the Finance Department on the subject with diary number and date:

Not applicable

8. Comments of the Department on comments of Finance Department:

No Comments

9. Final Comments of the Finance Department (If any):

No comments.

10. Legal implication of the subject:

To be sought.

11. Details of previous Council Resolutions on the subject:

Resolution No.2(L-03) dated 7.10.2011, Resolution dated 25.7.2012, Resolution No. 9 (E-03) dt. 27.09.2012. Reso. No. 07(L005) dt. 10.4.2013. Reso. No. 07(L-03) dated 27.6.2013. (**Annexure-II See pages 240-295).**

12. Comments of the Law Deptt on the Subject:

To be sought.

13. Comments of the Department on the comments of the Law Deptt:

The Council may take a decision for the period beyond 10.10.2013.

14. Final Comments of Law Department, (If any):

15. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case.

N.A.

16. Recommendations:

The department is ready with RFP and awaiting directions of MHA. The term of the extended period of licence in r/o. Hotel Taj Man Singh is going to expire on 10.10.2013. Hence the matter is placed before the Council for further decision/directions as the extended term is expiring.

COUNCIL'S DECISION

The existing arrangement as per Council's Resolution dated 27th September 2012 is available upto 10.10.2013. Since the instructions of the Ministry of Home Affairs consequent upon the opinion of the Solicitor General of India, as required by this Council Meeting on 27.6.2013, has not been received, the Council resolved that the existing arrangement for payment of licence fee should continue till 31.3.2014, or till the Council takes a decision on receipt of such opinion, whichever is earlier.

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.

Annexure till 295

Annexure end

ITEM NO. 19 (S-10)

1. **Subject: Grant of sanction for initiating major penalty proceedings against officials/officers for misconduct while working in Estate Department.**
2. **Name of the Department: Vigilance Department**

Brief History of the subject:

Disciplinary proceedings are to be initiated under orders of the Hon'ble High Court in the WP(C) No. 4063/2011 dt. 03.06.2011 in the case of BhaiLal Gautam Vs NDMC against the following delinquent officials/officers already retired from Municipal Services under Clause (i) of Clause (b) of sub-rule (2) of Rule-9 of CCS (Pension) Rule-1972 and against the officials/officers still in Municipal Service :-

Officials/officers still in Municipal Service

1. Sh. Kishan Chand, S.O. (Estate)
2. Sh. K. Mani, H.A.
3. Sh. R.K. Kaushik, Sr. Asstt.
4. Sh. T.R. Sharma, Sr. Asstt.
5. Sh. Ravi Jain, Sr. Asstt.
6. Sh. T.S. Rawal, Sr. Asstt.
7. Sh. Vijay Kumar, Sr. Asstt.
8. Sh. Anil Yadav, Sr. Asstt.

Retired Officials/officers

1. Sh. S.S. Sikriwal, Asstt. Dir.(Estate-I)
2. Sh. Nem Singh, Asstt., Dir. (Estate-I)
3. Sh. Gauri Shanker, Asstt. Dir. (Estate-I)
4. Sh. Azad Singh, S.O. (Estate-I)
5. Sh. S.K. Suri, S.O. (Estate-I)
6. Sh. D.K. Srivastav, Sr. Asstt. (Estate-I)

3. **Details of the case:**

While working in Estate-I Department the above listed officials/officers had failed to maintain absolute integrity and absolute devotion to their duties by not executing orders dt.25.09.82 and 24.03.83 of the Estate Officer for eviction of shop No. 189, Palika Bazar. The Hon'ble High Court, Delhi vide its order dated 03-06-11 has directed to conduct an inquiry as to how the orders of eviction of Shop No. 189, Palika Bazar issued by Estate Officer dt. 25.09.82 which was passed as long back as in the year 1982 could not be executed even after the lapse of a considerable period of 29 years.

Pursuant to the direction given by Hon'ble High Court disciplinary action was initiated against the employees during the relevant period and an affidavit was filed on 01.12.2012 by the department over the signature of the then Director (Vigilance) stating therein that disciplinary proceedings have been recommended against the serving as well as retired officials, who are found responsible for not implementing the order dated 25.9.1982 and the order dated 1.3.2003 passed by the Estate Officer. The names of the delinquent officers were reproduced in para 47 of the said affidavit. It has also been stated that in case the name of any of the official has not been included in the said list by virtue of non-recognition of his signature in the unit file, then the same would be included in the list as and when it is recognized.

The Hon'ble High Court directed that an additional affidavit be filed by the same officer within four weeks to apprise the Court about the progress and also whether the name of any further officials could be deciphered in terms of the stand taken by her in para 48 of the affidavit and fixed the matter for 16.03.2012.

That in compliance of the above order an additional affidavit was filed by the department over the signature of Director (Vig.) on 14.03.2012 before the Hon'ble Delhi High Court stating therein that NDMC had initiated disciplinary action and addresses of all the delinquent officials was sought from A.O. (Pension) and Dy. Director (Estate) for necessary action. Further, it was stated that no other official had been identified.

That another affidavit was filed by the department over the signature of Director (Vig.) on 07.05.2012 before the Hon'ble Delhi High Court stating therein that NDMC had served memos for calling explanation of 18 delinquent officials and rest of the officials would be served memos as soon as addresses of the remaining delinquent officials are provided by A.O. (Pension), a reminder to A.O. (Pension) had also been given in this regard.

That during the course of proceedings it was found by the Vigilance Deptt. that 18 officials had to be dropped from the list of inquiry as one of them had expired and rest 17 were covered by para 3.1 (b) of chapter XV of the Vigilance Manual because four years period from the date of misconduct has already been elapsed.

Advice was sought by Vigilance Deptt. on 31.08.2012 from the Law Deptt. who in turn sought the same from Spl. Counsel. The Spl. Counsel vide his letter dt. 01.04.2013, returned the Vigilance file along with his opinion, wherein he has stated "In my considered opinion the NDMC can initiate departmental proceedings against officials at Sl. No. 13 to 18 and rest of the officials from Sl. No. 1 to 12 may be excluded from the ambit of disciplinary proceedings." The matter was fixed before Hon'ble High Court on 12.04.2013 for filing of compliance affidavit.

That as per advice of Spl. Counsel compliance affidavit was filed on 09.04.2013 stating therein that 11 officials who had retired were covered under section 3.1 (b) of chapter XV of Vigilance Manual and thus no action could be instituted against them and the approval of the Council was required in respect to action against 06 retired officials in compliance with Rule 9 of CCS (Pension) Rules. Draft Agenda and Memos were being placed before the Council on its next convening.

The Vigilance Deptt. accordingly prepared draft agenda (Annexed herewith as **Annexure 'A' see pages 301-304**) along with the draft charge sheet to be served upon the delinquent officials (06 Retired) and the case was submitted to be laid before the Council for grant of sanction for initiation of disciplinary proceedings.

That the case was thereafter sent to L.A. on **15.05.2013** by the Secretary, NDMC. The L.A. vide his opinions dt. 20.05.2013 and 23.05.2013 (Annexed as **Annexure 'B' see pages 305-308**) opined that compliance of the eviction order dt. 25.09.1982 was not available upto 01.05.2003 due to the order being subject matter of appeal before Appellate Authorities and courts during this period and thus no action has to be initiated against the officials for such period.

That in the meantime the draft charge sheets for major penalty proceedings in respect of eight officials who are presently in Municipal service were submitted on a separate file for approval and signature of the Chairperson/Disciplinary Authority as the main file was already submitted for laying the case before the Council for according approval w.r.t. initiation of major penalty proceedings in respect of retired officials. The file was marked to L.A. by the then Chairperson on **17.05.2013** for advice. However the L.A. vide his opinions dt. **20.05.2013 and 23.05.2013** opined on the main file that no action can be initiated against the officials due to stay from various courts or the order of the eviction being subject matter of appeal before the appellate authorities and court during the period i.e. from order of eviction dt. 25.09.1982 till May-2003.

It is pertinent to mention here that the factum of the order being subjudice before appellate authorities/courts has no mention in the case file or in correspondence with the L.A. and Spl. Counsel before the opinion as above. The same not being in knowledge of the previous Director (Vig.) or the present Director (Vig.), the affidavits as above were filed before the Hon'ble Delhi High court. The latest affidavit dt. 09.04.2013 was filed in consonance and relying upon the opinion as given to the Vigilance Deptt. by the Spl. Counsel.

In view of the advice of the Spl. Counsel the Chairperson/disciplinary Authority approved the proposal on 09.04.2013 that the case for initiating major penalty proceedings against the retired employees as above be laid before the Council for grant of sanction/approval for initiation of disciplinary proceedings as powers are vested with the President and as per Reso. No. 2 dt. 29.06.1973 read with Reso. No. 12 dt.27.07.1973 and section No. 416 of NDMC Act. Council is vested to exercise the powers of President in disciplinary matters.

Accordingly draft agenda along with sanction orders in respect of six retired officials/officers was submitted for approval of the Competent Authority so that the case be laid before the Council for grant of sanction for initiation of disciplinary proceedings against the retired officers/officials under Rule-9 of CCS (Pension) Rules, 1972. The case was thereafter referred to L.A. on **15.05.2013** by the Secretary, NDNMC. The L.A. vide his opinion dt. 20.05.2013 and 23.05.2013 opined that :-

"After the receipt of communication from Sh. Manoj K. Singh, Special Counsel regarding Court's observation in order dt.03.06.2011, the Vigilance Deptt. Has proposed action against all the officials involved in this case from 25.09.1982.

When the matter was placed before the Chairperson, it was noticed that, as is clear from the order dt. 03.06.2011 of the court, which is under compliance by NDMC, it was duly brought to the notice of the Court that the order dt. 25.09.1982 has been set aside by the Appellate court in their order dt. 06.01.1986. The counsel for the NDMC had also brought to the notice of the Court that in the writ petition filed by the NDMC, bearing No. 624/1988, vide order dt. 01.05.2003, the Hon'ble Court had upheld the order dt. 25.09.1982 after setting aside the order of the Appellate Authority passed in favour of the petitioner. The NDMC's Counsel also informed the Court that after 01.05.2003, the petitioner filed an appeal before the Hon'ble High court and the High Court grant stay in favour of the petitioner subject to the petitioner depositing the sum of Rs. 999250/- Yet in another order dt. 22.08.2012, in CWP 5091/2012, NDMC's Counsel informed the court that the eviction order of 1982 attained finality in the year 2003.

In view of the above, it appears that compliance of the eviction order dt. 25.09.1982 was not available upto 01.05.2003 and no action has to be initiated against the officials for the period 25.09.82 to 01.05.2003. Only after 01.05.2003, the Chairperson has to get examine as to whether

there was any delay compliance of in eviction order, after the eviction order dt.25.09.1982 which attained finality on 01.05.2003.

The Chairperson desires that our counsel in the High Court may seek a clarification from the Hon'ble court or get the order amended to this extent, so that the investigations are confirmed only for the period 01.05.2003 and onward."

Thereafter, the L.A. sent the copy of his opinion along with case file thereby asking the Spl. Counsel that as per instructions of the Chairperson, NDMC the Spl. Counsel may seek a clarification from the Hon'ble Court or get the order amended as desired by the Chairperson.

That the Spl. Counsel has sent his opinion vide letter dt. 29.08.2013 (Annexed as **Annexure 'C' See pages 309-310**) addressed to the L.A. stating therein that NDMC may mention the reasons in the report itself as to why inquiry was not undertaken against all delinquent persons and the same shall be apprised to the court.

That the L.A. after consideration of the advice of the Spl. Counsel dt. 29.08.2013 has opined on 06.09.2013 that approval as per advice of Spl. Counsel be taken from competent authority and the case be laid before the Council for decision in the matter.

Hence, the present agenda.

4. Comments of the Vigilance Department

In view of the details and to avoid any strictures from Hon'ble High Court of Delhi the course of action left with us is to :-

- i) Issue charge memo immediately against the officials who are still in Municipal service.
- ii) Agenda be laid before the Council to grant sanction/approval for initiation of disciplinary proceedings under Rule 9 of CCS (Pension) Rule-1972 to conclude major penalty proceedings in accordance with the procedure laid down in Rules 14 and 15 of the CCS(CCA) Rule-1965 against the retired officials/officers.

That the charge memo has been issued to the officials/officers who are still in Municipal service by the Chairman/Disciplinary Authority, NDMC on 23.09.2013.

The matter was listed before the Hon'ble High Court on 27.09.2013 and the Hon'ble Court was apprised that charge memo has already been issued to the eight officials who are still in Municipal Service and the case is being laid before the council for grant of sanction/approval for initiation of disciplinary proceedings and issuance of charge memo to the six retired officials. The Hon'ble Court has directed to file status report before the next date of hearing i.e. 06.12.2013

That after the decision of the Council, this action can be apprised to the Hon'ble Court as the aforesaid court case is listed for 06.12.2013 for submission of status report after concluding the inquiry against delinquent officials.

5. **Financial implication:** Nil

6. **Implementation schedule:** Immediately after the approval of the Council.

7. **Legal implication:**As per advice of L.A.

8. **CVC Advice :** N.A.

9. **Rule position :**

In exercise of powers conferred by sub-clause (i) of Clause (b) of sub-rule (2) of Rule 9 of the Central Civil Services (Pension) rules, 1972, the powers for grant of sanction/approval for initiation of disciplinary proceedings against a retired employee are vested with the **President** and as per Reso. No. 2 dt. 29.06.1973 read with Reso. No. 12 dt. 27.07.1973 and section No. 416 of NDMC Act., **Council** is vested to exercise the powers of President in disciplinary matters.

The matter is also placed before the Council as per advice of the L.A. dt.06.09.2013.

10. **COMPETENCY OF THE COUNCIL**

As per Reso. No. 2 dt. 29.06.1973 read with Reso. No. 12 dt. 27.07.1973 and section No. 416 of NDMC Act., **Council** is vested to exercise the powers of President in disciplinary matters.

11.Recommendation :

That the four affidavits from 2011 to 2013 have been filed before the Hon'ble High Court stating therein that NDMC had decided to initiate disciplinary action against the delinquent officials, so as to avoid any strictures from Hon'ble High Court of Delhi the course of action left with us is to issue charge memo immediately against the officials who are still in Municipal service and accordingly the charge memo has been issued to the officials/officers who are still in Municipal service by the Chairman/Disciplinary Authority, NDMC on 23.09.2013.

The case is accordingly placed before the Council to grant sanction/approval for initiation of disciplinary proceedings under Rule 9 of CCS (Pension) Rule-1972 to conclude major penalty proceedings in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rule-1965 against the retired officials/officers and this action can be apprised to the Hon'ble High Court as the aforesaid court case is listed for 06.12.2013 for submission of status report after concluding the inquiry against delinquent officials.

COUNCIL'S DECISION

It was resolved by the Council to grant sanction / approval for initiation of disciplinary proceedings under Rule 9 of CCS (Pension) Rule-1972 to conclude major penalty proceedings in accordance with the procedure laid down in Rules 14 and 15 of the CCS (CCA) Rule-1965 against the retired officials/officers and this action can be apprised to the Hon'ble High Court.

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.

Annexure 10 pages till 310

Annexure end

ITEM NO. 20 (G-04)**1. Name of the Subject/Project :**

Extension of dates of payment of electricity and water dues under the New Settlement Scheme, 2013.

2. Name of Department :

Commercial Department

3. Brief history of the subject/project :

- (i) The Council vide its Resolution No. 03 (G-01) dt. 27.06.2013 had approved the New Settlement Scheme 2013 for clearance of the outstanding dues of electricity and water charges in the NDMC area.

The New Settlement Scheme, 2013 was approved on the following lines:

- a) Where no principal dues are outstanding and only LPSC arrears are due as on 31.3.13 –
- I) 90% rebate in LPSC may be given, if balance 10% of LPSC dues is paid by the consumer(s) **by 31.8.13.**
- II) 75% rebate in LPSC may be given, if balance 25% of LPSC dues is paid by the consumers **by 31.10.13.**
- b) **In cases where Principal & LPSC both are due as on 31.3.13 –**
- (I) 80% of LPSC may be allowed as rebate, if balance of 20% LPSC alongwith principal dues upto 31.7.13 is paid by 30.9.13.
- (II) 60% of LPSC may be allowed as rebate, if balance of 40% LPSC alongwith principal dues upto 30.10.13 is paid by 31.12.13; and
- (III) 40% of LPSC may be allowed as rebate, if balance of 60% LPSC alongwith principal dues upto 31.01.2014 is paid by 31.03.14.

The above rebates would be worked out only after adjusting payment received, if any, till due dates at I, II & III.

- c) In case of consumers being department of Govt. of India or Govt. of NCT of Delhi or State Government, if there are no arrears of consumption charge or if there are consumption charges upto 31.07.13 and the same are paid by 30.09.2013, there would be 100% rebate in LPSC.

4. Detailed proposal on the subject/project :

- (i) After the launch of the New Settlement Scheme, letters were issued to all the consumers against whom there were outstanding dues of electricity/water charges thereby informing them of the amount to be paid by them as well as the amount of rebate due to them under the Settlement Scheme. Some consumers have not responded to the letters. However, it is anticipated that with due persuasion many more cases can be settled. Moreover, Government Departments have to follow their due procedure for passing the payments which takes time.
- (ii) A number of requests are being received from consumers for extension of the due dates of payment under the Settlement Scheme since they need to comprehend the scheme properly. Some consumers against whom there are huge outstanding arrears have requested for more time to make payment of the dues. Further, some applications for settlement of arrears were received towards the ending date of the first mile stone of the scheme i.e. 30.9.2013, hence their cases could not be settled inspite of best efforts of the department.
- (iii) In view of the reasons enumerated above, it is proposed that **all the dates upto which the arrears are calculated as well as the dates upto which payment is received, mentioned in the New Settlement Scheme already approved by the Council (except the base date of 31.3.2013) vide its Resolution No.3 (G-01) dated 27.6.2013 be extended by a uniform period of 3 months.** However, the percentage of rebate will remain the same.

All other features of the New Settlement Scheme, 2013 for the consumers in these categories will remain the same except that requests from consumers for consideration

under Settlement Scheme should be received in the office of Accounts Officer (Billing or Bulk) , Commercial Department at least fifteen days prior to the last dates of payment.

Clause 4 (iii) (e) of the approved Settlement Scheme provides that –

“If the Scheme is found to be working successfully or its extension is considered essential, the same may be done with the approval of the Chairperson.”

For the Bulk and HT Bulk category consisting of mainly Government of India and other State Government Offices, the last date for payment of the outstanding dues was extended upto 30.11.13 with the approval of Chairperson, NDMC since the last date for payment of dues for the Bulk category was 30.9.2013 in the approved scheme. The instant proposal is for extension of the last dates of payment in the ongoing scheme. It has, therefore, been brought before the Council for its decision.

- (iv) The Council is also informed that as provided by Clause 4 (iii) (e) of the approved Settlement Scheme, Chairperson, NDMC has constituted a Dispute Settlement Committee to settle such cases as are not covered in the approved scheme.

5. Financial Implication of the proposal :

The amount of present arrears comprises of principal demand and Late Payment Surcharge accumulated thereon. Surcharge is not towards consumption of electricity / water by the consumer but a sort of penalty for delay in payment. The Scheme is to reduce the infructuous demand reflected in the NDMC Books. The basic purpose of this Settlement Scheme is to recover the principal demand to the maximum possible, so as to liquidate arrears. This may also help the Government Departments to clear their arrears as payment of Late Payment Surcharge is objected to in government department as a whole, resulting in outstanding dues.

6. Implementation schedule with timelines for such stage including Internal proceedings :

As per the proposal in clause 4 (iii).

7. Comments of the Finance Department on the subject :

In view of the approval of the Chairperson and view of Advisor (R&L), the department may place the proposal for consideration of the competent authority. However, the advice of Finance Deptt. Dated 18.5.13 may also be taken in to cognizance and incorporated suitably in Draft Agenda.

Advice of Finance Department dated 18.5.2013 :

Finance Deptt. has no objection to the proposal :- New Settlement Scheme, 2013 for recovering pending outstanding electricity and water dues subject to the following :-

- i) Principal dues should not be waived or reduced.
- ii) The amount (Principal as well as LPSC) under litigation may be brought on record and the said case may be brought to logical conclusion in the best interest of NDMC.
- iii) The response of the Scheme launched in 2007 by the Commercial Deptt. may also be brought on record in respect of pending dues as on that date and recovery as a consequence of the settlement policy of 2007.
- iv) The recommendation of the Department in the Agenda may also be revised as "Proposal contained in para 4 (iii) (a to f) of the Agenda is put up for consideration of the Council, in place of para 4 (iii) (a to d)."
- v) While settling the accounts of individual consumers, dues paid, should first be applied against the Principal demand followed by Late Payment Surcharge (LPSC).
- vi) Time frame proposed, be strictly adhered to and Clause 4 (iii) (f) in respect of disconnection action for respective Electric/Water connection would be taken without any further reference to the consumer.

8. Comments of the Department on the comments of the Finance Deptt.:

- i) It is agreed that principal dues will not be waived of or reduced.
- ii) & iii) These conditions were complied at the time of submission of the proposal for New Settlement Scheme, 2013 before the Council at its meeting held on 27.6.13.

- iv) As advised by Finance Deptt., while settling the accounts of individual consumers dues paid would be first adjusted against principal demand followed by LPSC.
- v) It is agreed that the time frame provided in the proposal and follow up action for disconnection subsequent to closure of the scheme would be adhered to.

9. Final comments of the Finance Department (if any) :

- N.A. -

10. Legal implication of the subject:

- Nil –

11. Details of previous Council Resolution on the subject :

As indicated in para - 3 above.

12. Comments of Law Department :

The Law Department has gone through the Agenda as prepared by the Department and also the earlier resolution of the Council on the subject.

The Council has authorized the Chairperson to extend the scheme, if found successful. This option, it appears, can be exercised only after the scheme is nearing completion and does not permit any change during the on-going process of the scheme.

Extending the rebate and payment of dues by three months and without changing the base date would create more problems than solving the same and as such, it would be appropriate, if all the dates referred to in the Council Resolution of 27.06.2013 are extended by three months so that the implementation of the scheme could be smooth

and both the consumer and the department get sufficient time to successfully implement the scheme.

To resolve the disputes as advised by the Council, a Committee has been set up to solve the disputes and this Committee has started working from 1st October, 2013. The Committee will also take sometime to process the applications and as such all the dates referred to in the scheme except 31.03.2013 be got extended from the Council by three months.

As regards the applications received from the consumer, three days is not enough and as such the applications should be filed by the consumer at least 15 days prior to the due date so that department gets enough time to process the applications.

13. Comments of the Departments on the comments of Law Department :

The recommendations of Law Deptt. have been incorporated in the Agenda.

14. Final comments of Law Department (if any) :

- N.A. -

15. Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:

N.A.

16. Recommendations :

The proposal contained in para (4) (iii) of the agenda is put up for consideration of the Council.

17. Draft Resolution:

Resolved by the Council to accord approval to the proposal of the department contained in para 4 (iii) of the agenda.

Further, resolved that on expiry of the scheme period, strict action against all defaulters needs to be taken by the department.

Further, resolved by the Council that further action may be taken by the department in anticipation of confirmation of the minutes of the Council.

COUNCIL'S DECISION

Resolved by the Council to accord approval to the proposal of the department contained in para 4 (iii) of the agenda.

Further, resolved by the Council that on expiry of the scheme period, strict action against all defaulters needs to be taken by the department.

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.

SUB : NAVYUG SCHOOL EDUCATIONAL SOCIETY (NSES)

The following is placed before the Council for information:-

The Navyug School Educational Society (NSES) is a registered Society under Societies Registration Act XXI of 1860 and is 100% funded by the New Delhi Municipal Council (NDMC).

In 2005, 2006 & 2007, NSES had carried out a 'Special Recruitment Drive' to fill vacant posts of teachers in various categories for SC & ST to work on contractual basis if selected in these drives.

Subsequently, in 2008-09, a regular recruitment process was carried out to select teachers through a written exam followed by interview for various categories of teachers i.e. Trained Graduate Teachers & Primary Teachers. All the teachers working on contract basis who had come through 'Special Recruitment Drive' during the year 2005, 2006 & 2007 were also asked to apply for the same in case they desired to work as regular appointees in NSES. However, some of the teachers working on contract basis during this period who participated in the regular recruitment process could not be selected. Some of these teachers (10 EX- SC Contractual teachers) have time and again represented for treating their services as regular during the period of their engagement on contractual basis.

We, in NDMC are considering their grievances currently. A Committee has also been set up under the guidance of Mr. Parkash Chandra, Retired IAS, to address the issues raised by these 10 Ex-SC contractual teachers in their various representations.

COUNCIL'S DECISION

The following was noted by the Council :

"In the years 2005, 2006 & 2007, NSES had carried out 'Special Recruitment Drive' to fill vacant posts of teachers in various categories for SC & ST candidates, on contractual basis.

In 2008-09 a regular recruitment process was carried out, wherein the aforesaid contractual teachers were asked to apply for regular appointment. Out of the contractual teachers who participated in the process, some (10 Ex – SC Contractual teachers) could not be selected, and they have time and again represented for treating their services as regular.

Considering their grievances, a Committee has been set up under the guidance of Mr. Prakash Chandra, Retd. IAS, to address the issues raised by these teachers. ”

(VIKAS ANAND)
SECRETARY

(JALAJ SHRIVASTAVA)
PRESIDING OFFICER / CHAIRPERSON