

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI.

COUNCIL'S MEETING NO. 07/2013-14 DATED 27.11.2013 AT 4-00 P.M.

Arrangement of business

ITEM NO.	SUBJECT	PAGE	ANNEXURE
01 (C-18)	Confirmation and signing of the minutes of the Council's Meeting No. 06/2013-14 held on 07.10.2013.	2	3 – 7
02 (B-08)	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.	8 – 16	-
03 (B-09)	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.	17 – 24	-
04 (C-19)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs. (For information of the Council)	25	26 – 36
05 (C-20)	Action Taken Report on the status of ongoing schemes/works approved by the Council. (For information of the Council)	37	38 – 61
	TABLE ITEMS		
06 (E-05)	Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage & horticulture waste from NDMC area	62 – 67	
07 (H-01)	Creation of one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6 th CPC) and filling the same on deputation basis till eligible candidate from the feeder cadre post of Superintending Engineer (Civil) become available for the post of Chief Engineer (Civil). This requires approval of the Council in terms of Section – 34 of NDMC Act, 1994.	68 – 71	
	OTHER ISSUES		

	Sh. I.A. Siddiqui, Member raised the point regarding some properties in residential areas under the NDMC, which were having commercial activities prior to 1962, be de-sealed under a resolution of the Council.	72	
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ITEM NO. 01 (C-18)

Confirmation and signing of the minutes of the Council's Meeting No. 06/2013-14 held on 07.10.2013. (See pages 3-7)

COUNCIL'S DECISION

Minutes confirmed.

NEW DELHI MUNICIPAL COUNCIL
PALIKA KENDRA : NEW DELHI

MINUTES OF THE COUNCIL'S MEETING NO. 06/2013-14 HELD ON 07.10.2013, AT 4-00 P.M.
IN THE COUNCIL ROOM, PALIKA KENDRA, NEW DELHI.

MEETING NO.	:	06/2013-14
DATE	:	07.10.2013
TIME	:	4-00 P.M.
PLACE	:	PALIKA KENDRA, NEW DELHI.

PRESENT :

- | | | | |
|----|--------------------------|---|--|
| 1. | Jalaj Shrivastava | - | Presiding Officer / Chairperson |
| 2. | Smt. Tajdar Babar | - | Vice Chairperson |
| 3. | Sh. D. Diptivilasa | - | Member |
| 4. | Sh. Dharmendra | - | Member |
| 5. | Sh. Ashok Ahuja | - | Member |
| 6. | Sh. I.A. Siddiqui | - | Member |
| 7. | Sh. Suka Ram | - | Member |
| 8. | Sh. Vikas Anand | - | Secretary |

ITEM NO.	SUBJECT	DECISION
01 (C-15)	Confirmation and signing of the minutes of the Council's Meeting No. 05/2013-14 held on 04.09.2013.	Minutes confirmed.
02 (K-02)	Refund of user charges in case of Cancellation / Postponement of booking of Talkatora Indoor Stadium, New Delhi.	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.
03 (O-02)	Annual Report of the Standing	Information noted. The Council directed the

	Committee on Audit in NDMC for the year 2012-13.	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.
04 (O-03)	Annual Audit Report for the year ended March 2011.	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.
05 (B-04)	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).	Item withdrawn.
06 (B-05)	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.	Deferred. The Council directed that the department concerned will further explain about the project in the next meeting of the Council.
07 (B-06)	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.	Deferred. The Council directed that the department concerned will further explain about the project in the next meeting of the Council.
08 (B-07)	Establishing 33KV ESS at Aliganj – Jor Bagh. Sub-Head: Supply, Installation, Testing & Commissioning of Sub-station Equipments.	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 `5,46,97,850/- (Rupees Five Crore forty six Lacs ninety

		<p>Seven Thousand Eight hundred fifty Only) on the terms & conditions of NIT.</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 (U-01)	<p>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.</p>	<p>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.</p> <p>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.</p> <p>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'.</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 (E-03)	<p>Approval of Rate Contract for procurement of Allopathic Medicines for one year from the date of approval by the Council.</p>	<p>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 :</p> <ol style="list-style-type: none"> 1. Only generic drugs will be procured.

		<p>2. The empanelled agencies shall supply the drugs directly.</p> <p>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.</p> <p>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.</p>
11 (T-02)	Naming/Renaming of road in NDMC area.	Deferred.
12 (U-02)	Security and Traffic Services / Arrangements at Palika Parking & other NDMC Premises under Group Contract 'C'.	<p>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.</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>
13 (U-03)	Security and Traffic Services/Arrangements at NDMC Premises under Group Contract 'D'.	<p>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 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</p>

		<p>NIT.</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>
14 (D-03)	Re-appropriation of Funds in Budget Estimates 2013-14.	Resolved by the Council that the Re-appropriations in Budget Estimates 2013-14 authorized during 2 nd 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.
15 (C-16)	Contracts/Schemes involving an expenditure of Rs.1 Lac but not exceeding Rs.200 lacs.	Information noted.
16 (C-17)	Action Taken Report on the status of ongoing schemes/works approved by the Council.	Information noted.
17 (E-04)	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.	<p>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).</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>
18 (L-03)	Operation and maintenance of Five Star Hotel Premises at 1, Man Singh Road after the expiry of the extended period on 10 th October, 2013.	The existing arrangement as per Council's Resolution dated 27 th 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

		<p>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.</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>
19 (S-10)	Grant of sanction for initiating major penalty proceedings against officials/officers for misconduct.	<p>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 appraised to the Hon'ble High Court.</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>
20 (G-04)	Extension of dates of payment of electricity and water dues under the New Settlement Scheme, 2013.	<p>Resolved by the Council to accord approval to the proposal of the department contained in para 4 (iii) of the agenda.</p> <p>Further, resolved by the Council that on expiry of the scheme period, strict action against all defaulters needs to be taken 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>
	With the permission of the Chair, the following information regarding the NSES was placed before the Council by Director (NSES).	<p>The following was noted by the Council :</p> <p>"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.</p> <p>In 2008-09 a regular recruitment process was carried out, wherein the aforesaid contractual teachers were</p>

		<p>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.</p> <p>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. "</p>
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-Sd/-
(VIKAS ANAND)
SECRETARY

-Sd/-
(JALAJ SHRIVASTAVA)
PRESIDING OFFICER / CHAIRPERSON

ITEM NO. 02 (B-8)

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 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:- Item No. 06(B-05) of council meeting No. 06/2013-14 held on 07/10/2013.

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.

ITEM NO. 03 (B-09)

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:- Item No. 07(B-06) of council meeting No. 06/2013-14 held on 07/10/2013.

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.

ITEM NO. 04 (C-19)**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 October, 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 26-36).**

COUNCIL'S DECISION

Information noted.

Annexure 11 pages

Annexure end

ITEM NO. 05 (C-20)**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 September, 2013, had already been included in the Agenda for the Council Meeting held on 07.10.2013.

A report on the status of execution of the ongoing schemes/works awarded upto October, 2013, is placed before the Council for information. **(See pages 38-61).**

COUNCIL'S DECISION

Information noted.

Annexure ends

ITEM NO. 06 (E-05)**1. NAME OF THE SUBJECT/PROJECT**

Hiring of 40 Nos. of Tipper Trucks having capacity of 8 cubic meter by volume for removal of garbage & horticulture waste from NDMC area

2. NAME OF THE DEPARTMENT/DEPARTMENTS CONCERNED

Public Health Department, NDMC

3. BRIEF HISTORY OF THE SUBJECT/PROJECT

There is a diurnal variation of garbage in NDMC area throughout the year. It is observed that on an average 300 MT garbage is generated in winter season from October to February while on an average 350 MT garbage is generated in leaf falling, monsoon and post monsoon season from March to September. It is pertinent to mention that the NDMC garbage being most of the horticulture waste is more voluminous than weighty.

A meeting was held in the chamber of MOH on 03.09.2013 at 4.00 PM by all officers/officials of the sanitation wing of health department to discuss the matter of replacement of work being done by M/s Ramky. It was informed during the meeting that the department is having only 15 tipper trucks available for removal of indiscriminate garbage.

Keeping in view of this diurnal variation and for replacement of the work of M/s Ramky a backup of the tipper trucks has been worked out which is as under –

I) Winter Season (October to February):-

In case of NDMC / Private Vehicles are jointly engaged and that each one of these vehicles carries lifting potential of 2 Metric Ton, then on an average 150 trips are required for complete lifting of 300 Metric ton garbage.

Various studies have been done in the past that a tipper truck can make a maximum of three trips from NDMC area to the disposal site Okhla / SLF Gazipur. Accordingly, at least a fleet of 50 trucks is a minimum requirement per day. Along with them at least 5 vehicles are required for emergencies / fairs/festivals/processions/ celebrations/ attending complaints/ reserves. Then only complete removal of total garbage generated in NDMC could be ensured by Health Department on day to day basis.

II) Autumn, Monsoon and Post Monsoon Season (March to September):

Private vehicles carries lifting potential of 2 Metric ton, then on an average 60-175 trip are required for complete lifting of 350 Metric Ton of garbage. Therefore, the Health Department will require about 55-60 vehicles per day.

III) Emergency Standby Arrangement:

It has been observed that a lot of garbage removal complaints are registered in emergent situation in odd hours / holidays/ Sundays and other contingent situation. In the absence of prior contingent plan, NDMC have been facing a lot of problem.

It is proposed that 5 more NDMC vehicles with adequate staff may also be considered as standby arrangement on emergency ambulance pattern basis to meet such emergent situation.

IV) REQUIREMENT OF TIPPER TRUCKS IN VARIOUS SANITATION CIRCLES

Total = 68 Tipper Trucks required for 12 hours

Machines Required = 2 Nos.

The existing fleet of tipper trucks available with Health Department is as under:-

Existing Private Tipper Trucks: - 15

Total Tipper Trucks available: - 15 (private) +13 (NDMC) = **28 Tipper Trucks**

The requirement of additional private tipper trucks :- 68 – 28 = 40

Keeping in view of above and taking into consideration for replacement of the work of M/s Ramky a backup of above mentioned vehicle is required. At present NDMC is having 15 private vehicles and accordingly an addition of 40 private vehicles with 2 JCBs are to be sanctioned & provided.

With the approval of the Chairperson, NDMC a short notice tender was invited through e-procurement system by fixing the last date of submission of bid as 23-09-2013. On opening of the tender, it was found that only three firms i.e. M/s. G.T. Roadways, M/s. City Life Line Travels Pvt. Ltd. and M/s. A G Enviro Infra Projects Pvt. Ltd. participated in the tender. The technical bid of all the three firms examined by the members of the sub-committee.

Meetings of the sub-committee again held on 04-10-2013, 8-10-2013 & 9-10-2013 to examine the various document submitted by the firms through e-procurement system and further enquiries in response to our letter.

The detail note of the minutes of the meetings held from time to time exists in the main file. The sub-committee is of the view that case may be submitted to the Finance Department after that the department prepared a detailed note explaining availability of these vehicles for submitting the necessary approval for accepting bid of the single eligible firm i.e. M/s. City Life Line Travels Pvt. Ltd. for hiring of 40 nos. of tipper trucks and 2 JCB Machines.

The Chairman, NDMC sent the case to the Finance Department for opinion and Finance Department advised that –

1. The department may conduct negotiation with the lone eligible firm M/s. City Life Line Travels Pvt. Ltd. to get reduced the rates of item No. 1, hiring of tipper trucks to the possible extent as the rates of existing extended contract are Rs. 3495/- per trip.
2. For item no.2, hiring of JCB Machines, the department may recall the tender and in case of urgency, short-notice tender may be invited.

After that in this regard, a meeting of the sub-committee was held in on 19-11-2013, where the contractor was also called for negotiation.

During the negotiation, the representative of the M/s City Life Line Travels Pvt. Ltd. willingly reduced their quoted rates from Rs. 4500/- per day per truck to Rs. 4401/- per truck per day including current taxes. The firm has also mentioned that in view of the

recent hike of cost of the fuel and minimum wages in Delhi, they cannot reduce their rates below Rs. 4401/- per day per truck.

The department further submits that the estimated cost to hire the mentioned tipper trucks was Rs. 4295/- per truck per day. The rates are now 2.47 % higher than the estimated cost. Further, a lot of news are appearing in the leading news papers regarding hike in diesel charges. Moreover, the cost of every component is also increasing accordingly.

4. DETAILED PROPOSAL ON THE SUBJECT/PROJECT

The department submits that the estimated cost to hire the mentioned tipper trucks was Rs. 4295/- per truck per day. The rates are now 2.47 % higher than the estimated cost. Further, a lot of news are appearing in the leading news papers regarding hike in diesel charges. Moreover, the cost of every component is also increasing accordingly.

Accordingly, the department proposed for hiring of 40 nos. of tipper trucks at a rate of Rs. 4401/- per truck per day with a total cost of Rs. 3,20,39,280/- (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eighty Only) for 182 days.

5. FINANCIAL IMPLICATIONS OF THE PROPOSED PROJECT/SUBJECT

Rs. 3,20,39,280 (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eight Only) for hiring of 40 nos. of Tipper Trucks @ Rs. 4401/- per tipper truck per day for 182 days

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

182 days from stipulated date of start of the hiring of the 40 nos. of tipper trucks

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT.

It was decided that tenders for hiring of 02 nos. JCB Machines will be re-invited. The negotiated rate in r/o hiring of 40 nos. of tipper trucks Rs.4401/- have been stated as 2.47% above the Estimated Cost and 8.29% below the current market rate of Rs.4799/- based on the current market rate surveyed by the Department. As the negotiated rates have been worked out at 8.29% below the current market rate by the Department, Finance Department has no objection for processing the case for hiring of 40 nos. of tipper trucks as proposed by MOH for consideration and approval of the Council. However, the Department may also:-

- a. Obtain A/A & E/S for the proposed work simultaneously.
- b. Ensure and certify that the proposed rates are reasonable, justified and information, data & computations placed on record are correct.
- c. Ensure the qualitative service as per the terms & conditions of the NIT.
- d. Ensure availability of funds before committing any liability.

8. COMMENTS OF THE DEPARTMENT ON COMMENTS OF FINANCE DEPARTMENT

Nil

9. FINAL VIEWS OF THE FINANCE DEPARTMENT (IF ANY)

Already mentioned at Sr. No. 7.

10. LEGAL IMPLICATION OF THE PROJECT

NIL

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

Nil

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

As no legal implications involved, hence the matter was not submitted to Law Department. However, one representative of Law Department is a member of sub-committee constituted for the above mentioned work.

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

No comments.

14. FINAL VIEW OF THE LAW DEPARTMENT (IF ANY)

Nil

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

All guidelines have been followed.

16. RECOMMENDATION

As the work is very important and urgent in nature and relates to the cleaning work of entire NDMC area and sanitation standard has to be maintained accordingly.

The case maybe laid before the Council for Administrative Approval and Expenditure Sanction for Rs. 3,20,39,280 (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eight Only) for hiring of 40 nos. of Tipper Trucks for removal of garbage and horticulture waste from the NDMC area from M/s City Life Line Travels Pvt. Ltd. accepting the single tender

17. DRAFT RESOLUTION

The case is laid before the Council for administrative approval and expenditure sanction of Rs. 3,20,39,280 (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eight Only) for hiring of 40 nos. of tipper trucks for removal of garbage & horticulture waste from NDMC area from M/s City Life Line Travels Pvt. Ltd. accepting the single tender on the rates concurred by Finance Department.

COUNCIL'S DECISION

The Council discussed the agenda at length & resolved to accord administrative approval and expenditure sanction of Rs.3,20,39,280 (Rs. Three Crore Twenty Lacs Thirty Nine Thousand Two Hundred Eighty Only) for hiring of 40 nos. of tipper trucks for 6 months for removal of garbage & horticulture waste from NDMC area from M/s City Life Line Travels Pvt. Ltd. accepting the single tender on the rates concurred by Finance Department, subject to No Objection from the Election Commission, Delhi.

It was also directed by the Council that no extension shall be granted after expiry of period of this contract and the Health Department shall ensure that the RFP for garbage management is finalized and published by 10th December, 2013.

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. 07 (H-01)**1. NAME OF THE SUBJECT:**

Creation of one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6th CPC) and filling the same on deputation basis till eligible candidate from the feeder cadre post of Superintending Engineer (Civil) become available for the post of Chief Engineer (Civil). This requires approval of the Council in terms of Section – 34 of NDMC Act, 1994.

2. NAME OF THE DEPARTMENT:

Civil Engineering Establishment Unit – II (Personnel Department)

3. BRIEF HISTROY OF THE SUBJECT:

The recruitment rules for the post of Chief Engineer (Civil) have been approved/notified in the Gazette Notification dated 06.08.2002. There are 02 Posts **(Subject to variation dependent on workload)** of Chief Engineer (Civil) in the Civil Engineering Department sanctioned in the Pay Scale of ` 16400-450-20000 (5th CPC), revised ` 37400-67000 + G.P. ` 8900/- (6th CPC). As per RRs post of Chief Engineer (Civil) is to be filled by way of promotion failing which by deputation, who fulfils the following criteria:

“Superintending Engineer (Civil) with 2 years of regular service in the grade.”

Since, no departmental candidate was available, hence due to administrative exigencies as well as keeping in view of forthcoming Commonwealth Games besides day to day functioning of the Department, above said 02 posts were filled on deputation basis as per details given below:

S. No.	Name	Remarks
1.	Sh. V.K. Jha	On deputation from MES since 23.04.2008 & present term of deputation is upto 22.04.2014.
2.	Sh. Anant Kumar	On deputation from CPWD since 10.08.2011 & present term of deputation is upto 09.08.2014.

Since, approved/notified RRs provides that Post of Chief Engineer (Civil) can be increased subject to variation of workload, hence, consequent upon the transfer of internal roads, Colonies, Parks, Markets & Water Network, the load of engineering ward increased, it was decided to create one more post of Chief Engineer (Civil) temporarily for a period of six months as approved by the then Chairperson, NDMC.

Against this newly created post of Chief Engineer (Civil), letters were made to MES, CPWD, DDA to sponsor suitable names and in response, 07 names received, out of which, based on the ACRs as well as experience, Sh. Hamvir Singh, DGM, HSIIDC was taken on deputation w.e.f. 01.06.2012 for a period of six months as Chief Engineer (Civil) in NDMC in the pay Scale of ` 37400-6700 + Grade Pay ` 8900 (6th CPC).

After filling up the temporary post of Chief Engineer (Civil) by way of deputation, distribution of works among Chief Engineers (Civil) have been made in order to smooth functioning of the work of Civil Engineering Department as under:

Name	Posted as	Work Assigned
Sh. V.K. Jha	C.E. (Civil) – II	Building Maintenance Construction DVO (Civil)
Sh. Anant Kumar	C.E. (Civil) – I	Roads Construction – I C.P. Project
Sh. Hamvir Singh	C.E. (Civil) – III	Planning Division Water Supply

		Sewerage Maintenance Sewerage Project
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4. DETAILED PROPOSAL ON THE SUBJECT:

Since, Sh. Hamvir Singh, CE (Civil) – III is looking after the major projects in Planning Division, Water Supply **(24 X 7)**, Sewerage Maintenance & Sewerage Project, as such, his terms of deputation period was further extended for a period of six months, twice i.e. beyond 30.11.2012 & 01.06.2013 as per approval of the Competent Authority, NDMC by creating the post of Chief Engineer (Civil) on temporary basis, so that the running major projects of NDMC, which are under pipeline could not be delayed or discontinued. As per provision made under section-34 of NDMC Act, 1994, earlier the case could not be laid down before the Council and now, the present term of deputation in respect of Sh. Hamvir Singh, CE (Civil) is going to expire on 30.11.2013, it is felt to seek approval of the Council, under section-34 of NDMC Act, 1994 for creating one post of Chief Engineer (Civil) based on the approved/notified recruitment rules which allow that posts of Chief Engineer (Civil) may be increased subject to variation of workload of Civil Engineering.

5. FINANCIAL IMPLICATIONS OF THE PROPOSAL:

Approx. ` 10,87,332.00 p.a. + Allowances & Medical Facilities.

6. IMPLEMENTATION SCHEDULE WITH TIMELINES FOR EACH STAGE INCLUDING INTERNAL PROCESSING:

After the approval, process will be started to fill up the post within a period of one month.

7. COMMENTS OF THE FINANCE DEPARTMENT ON THE SUBJECT:

The comments of the Finance Department will be invited in due course.

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

The replies of the comments of the Finance Department will be furnished as & when received.

9. LEGAL IMPLICATIONS OF THE SUBJECT:

No legal implication.

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

The recruitment rules of the post of Chief Engineer (Civil) have been made by the Council under section (C) sub-section (1) of section 43 of NDMC Act, 1994 (44 of 1994), vide its Resolution No. 3 (XXI) (3-2-2000), duly approved by the UPSC and MHA, vide notification of the same in the Gazette 06.08.2002.

11. COMMENTS OF THE LAW DEPARTMENT:

The comments of the Law Department will be invited in due course.

12. COMMENTS OF THE DEPARTMENT ON THE COMMENTS OF THE LAW DEPARTMENT:

The replies of the comments of the Law Department will be furnished as & when received.

13. CERTIFICATION BY THE DEPARTMENT THAT ALL THE CENTRAL VIGILANCE COMMISSION (CVC) GUIDELINES HAVE BEEN FOLLOWED WHILE PROCESSING THE CASE:

Administrative matter.

14. RECOMMENDATION:

Since the workload of the Civil Engineering Ward is increasing day by day and Two Posts of Chief Engineer (Civil) are not sufficient hence, based on the approved/notified recruitment rules which allow that posts of Chief Engineer (Civil) may be increased subject to variation of workload of Civil Engineering, it is recommended that the Council may give approval for creating one more post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6th CPC) and fill up the same by extending the deputation period for one year beyond 30.11.2013 of Sh. Hamvir Singh, DGM, DSIIDC, presently on deputation with NDMC as Chief Engineer (Civil) and further approving post facto approval of extension period w.e.f. 01.12.2012 to 31.05.2013 & 01.06.2013 to 30.11.2013.

15. DRAFT RESOLUTION:

Resolved by the Council that approval is granted to create one post of Chief Engineer (Civil) in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6th CPC). The post so created will be filled on deputation basis by giving extension for a period of one year beyond 30.11.2013 to Sh. Hamvir Singh, DGM, HSIIDC, presently on deputation with NDMC as Chief Engineer (Civil). Further approval is given post facto to the extension period w.e.f. 01.12.2012 to 31.05.2013 & 01.06.2013 to 30.11.2013.

COUNCIL'S DECISION

Resolved by the Council that approval is granted to create one post of Chief Engineer (Civil) on temporary basis for a period of 6 months in the Pay Scale of ` 37400-67000 + G.P. ` 8900/- (6th CPC). The post so created will be filled on deputation basis by giving extension for a period of one year beyond 30.11.2013 to Sh. Hamvir Singh, DGM, HSIIDC, presently on deputation with NDMC as Chief Engineer (Civil).

Further ex-post facto approval is given by the Council to the extension period w.e.f. 01.12.2012 to 31.05.2013 & 01.06.2013 to 30.11.2013.

OTHER ISSUES

Sh. I.A. Siddiqui, Member raised the point regarding some properties in residential areas under the NDMC, which were having commercial activities prior to 1962, be de-sealed under a resolution of the Council.

COUNCIL'S DECISION

The Member was informed that the matter is subjudice and pending before the Court and as per the Regulation 34(v) of the Procedure and Conduct of Business, such items are not considered by the Council.