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ITEM NO. 01 (B-15)

Converse Reso. No. 01 (B-15) of Connells Ordinary Meeting David - 076 / 10 1 2016

1	Name of Subject / Project	Providing façade lighting on Palika Kendra Building
2.	Name of the Department/ Departments Concerned	Electricity –I
3	Brief History of the Subject/Project:	The outstanding landscape of Lutyen's Delhi, Palika Kendra Building, the seat of NDMC is a iconic building. It is a one of the tallest building in the city having height of 91mtrs. The building is curved out like a monolithic sculpture with a contemporary touch showing the massiveness and representative of the stature and status of NDMC.
		The intent for the lighting of the façade facing Jantar Mantar is to turn the building a point of attraction during night time and making it one of the key attraction for the city dwellers, first time visitors to the city as well as foreign visitors and delegates. The lighting should be able to turn the façade to virtual screen by profiling the prominent niches on the façade.
		It has further decided that the virtual screen should be made of Linear direct view fixtures in which LEDs used shall be high brightness and of proven quality from established and reputable LED manufacturers.
		The intent of the video show running on this façade turned virtual screen would be as follows –
		 Videos of national interest – e.g. video on Gandhi'ji, Netaji Subhash Chandra Bose, APJ Abdul Kalam etc. where content can be created by artists and played on the façade.
		2. Live streaming of important events.
		 Light shows based on events – Independence Day, republic day, New Year.
		 Special color for any special day – pink for breast cancer awareness etc.
		 Hourly color change and 1024x768 resolution video shows during normal days.
		 Projection of NDMC logo or other important landmark images like Qutub Minar, India Gate etc.
		Display of the state and central govt. schemes/programmes at DAVP approved rates.
		Delhi Police vide letter No.(F.12/16)/1431/TE(NOC)/Traffic dated 8.3.2016 has given NOC for providing multi media façade lighting on front face of Palika Kendra Building, Sansad Marg, New Delhi.
		Further the Council vide Reso. No.16(B-04) dated 28.8.2015 (copy attached at Annexure-A) has resolved

			as under:
			 Resolved by the Council that In-principle approval is accorded for: (i) To undertake the proposed work making provision of two years guarantee and thereafter eight years comprehensive maintenance. (ii) To call the tenders for above proposed façade lighting in anticipation to administrative approval and expenditure sanction. (iii) The A/A and E/S is to be taken at the time of acceptance of tenders from the competent authority. (iv) Approval is accorded to take further action in anticipation to confirmation of the minutes of the Council Meeting.
4	Detailed Proposal Subject/Project:	on the	Based on the approval of Council, the tenders were invited for providing façade lighting from 7 th Floor to Top Floor at Palika Kendra building through e-tender from the firms/contractors/consortium having experience of similar work. In the first call of tender due on 18.11.2015, the following 3 firms responded:
			 M/s Bajaj Electricals Ltd. M/s Lambda Eastern Telecommunication Ltd. M/s MIC Electronics Ltd.
	· ·		After examined the techno-commercial bids, it was found that only one firm i.e. M/s Bajaj Electrical fulfilled the eligibility criteria. Being first call and single eligible firm, the tenders were dropped with the approval of competent authority. The tenders were recalled after given relaxation in the eligibility criteria and due date was fixed on 04.01.2016. In the second call of the tenders, following two firms responded.
			 M/s Bajaj Electricals Ltd. M/s MIC Electronics Ltd.
	· .		The techno commercial bids of both the firm examined and found that none of the firm fulfilled the eligibility criteria. Therefore, the tenders were again dropped under approval of competent authority.
			Meanwhile, Chairman decided to provide façade lighting from 11 th Floor to Top Floor only. Accordingly, the DE & NIT was revised and tenders were called. The tenders were opened on due date/time on 03.05.2016 at 04:00PM. The following 2 firms responded.
			 M/s Bajaj Electricals Ltd. M/s Lambda Eastern Telecommunication Ltd
			The techno commercial bids of both the firms were examined and found that none of the firms fulfilled the eligibility criteria as per the NIT conditions. Under approval of competent authority, the tenders were dropped and fresh tenders were called after making relaxation in the eligibility criteria for healthy and petter competition. The tender were opened on the due date

r <u> </u>		on 31.05.2016. The followings 3 firms responded.
		 M/s Bajaj Electricals Ltd. M/s Lambda Eastern Telecommunication Ltd. M/s Uniled technologies (I) Pvt. Ltd.
		The techno commercial bids were examined and found that only two firms i.e. M/s Bajaj Electricals Ltd. & M/s Uniled technologies (I) Pvt. Ltd. fulfilled the eligibility criteria. The case has also been scrutinized by the Planning. Thereafter both the eligible firms were called to give their presentation before the sub-committee nominated by the Chairman as per the terms & condition of the NIT.
		After viewing the presentation of techno-commercially qualified 2 bidders i.e. M/s Bajaj Electrical Ltd. & M/s Uniled technologies (I) Pvt. Ltd., the sub-committee decided that the improved/modified presentations given by both the firms are acceptable and both the firms may be considered eligible for opening of price bid. The hard and soft copy of the improved/modified design of both the firms have been taken and kept in record.
		After getting approval from the competent authority, the price bids of the both eligible firms opened and M/s Uniled Technologies India Pvt. Ltd. emerged as lowest firm who quoted Rs 5,70,00,000/- i.e. Rs 4,98,00,000/- for Part-A (execution of work) and Rs.72,00,000/- for Part-B (comprehensive maintenance for 8 years after defect liability period of 2 years). Hence there is proposal to award the work to L-l firm M/s Uniled Technologies India Pvt. Ltd. at their quoted cost as per the terms, conditions and specifications of NIT. Work order for Part-B work shall however be placed to L-1 firm separately after completion of defect liability period of 2 years.
5	Financial Implications of the proposed Project/ Subject:	Rs. Five Crores Eighty Five Lacs. (Rs 5,85,00,000/-)
6		Completion: 4 months from the date of approval of drawings by NDMC.
7	Final comments of the Finance Department on the subject with diary no. & date: Dy No. 1581/Finance/R-Elect dated 19.09.2016	with two years guarantee and thereafter 8 years

is the 2nd call. 3 firms participated in the bidding process out of which 2 firms found qualified in the technical bid after evaluation of the same by the deptt. M/s Uniled Technology India Pvt Ltd emerged as L-1 as tender amount of Rs 4.98 crore for part 'A' and Rs 72 lakh for part 'B' making the total tender amount as Rs 5.70 crores. The deptt has prepared the justification of rates amounting to Rs 8.61 crores (part 'A' Rs 7.25 crores + part 'B' Rs 1.36 crore). The tendered amount of L-1 has been worked out as 33.79% below the justified cost. The deptt has stated that the justification has been prepared strictly as per provision of CPWD Manual.

4. FD has seen the case at page 163-165/C and deptt. has clarified the position in reply to FDs observations from page 177-183/N. The deptt has stated that there is no requirement of CRS for this work as per the clarification received from the deptt of Electronics and Information Technology dated 22.08.2016 which states that system under consideration falls under the definition of HSE hence system is not covered under CRS and therefore steps taken by deptt are in accordance of provision of NIT / DeitY. The deptt has also brought on record that representation of M/s Lambda has been separately submitted for information of Chairman. In this regard, the deptt has also submitted that the presentation / complaint of M/s Lambda has already been examined and the Competent Authority /Chief Engineer(E-I) has accorded for rejection of bid of M/s Lambda Eastern Technologies Ltd.

5. FD views that proper attention/care must be taken while framing the NIT and there must not be any ambiguity, which later on require any interpretation or leads to any dispute or restrict participation. In this case it has been observed that there was a condition of registration with BIS as applicable in the NIT for which the deptt should have taken the clarification from Department of Electronics and Information Technology mentioning clearly the scope of work before floating/opening of tender. FD finds following issues with regard to this tender:

 (i) It has been seen that some clarification w.r.t. CRS was obtained by the department from department of Electronics and Information Technology, which vide letter dated 14.1.2016(P-843/C) and dated 13.06.2016(P-611/C) intimated that this is covered under CRS.

(ii) As far as quoted rates are concerned, the same has been worked out as 33.79% below the justified cost stating prepared as per CPWD Manual. However, it has been seen that justification of rates has been prepared jobwise and not component wise within the job. The department has certified that the offered rates are just and reasonable.

(iii) The Department has proposed AA&ES of Rs 5,85,00,000/- while in the estimate tender amount and advertisement expenditure has been worked out as Rs 5,82,50,000/-. When the total amount of expenditure in this regard has now

been known, the department should take AA & ES of actual amount.

(iv) Status of the complaint may be communicated to finance.

Addressing the above concerned of FD as mentioned in Para 5 and there under, if the deptt is satisfied with the clarity of the NIT condition and rates are just & reasonable, they may process the case further for consideration of Council. As the tender rates are much below the justified rate, the deptt may undertake that the work will be executed strictly as per terms & conditions of NIT/Agreement. The deptt is to ensure revenue generation through advertisement as brought out in the scope of work.

Clarification of the department:

Point No. 1 to 4:

Matter of record, as such no comments warranted.

Point No. 5:

Proper attention and care has been taken while framing NIT and there is no ambiguity. The condition related with applicability of BIS registration was kept as per the advice of Department of Electronics & Information Technology, which has only recently conveyed vide letter dated 31.08.16 that BIS registration is not applicable in this project.

- It is correct that clarification w.r.t. CRS was (i) from Department of NDMC obtained by Electronics and Information Technology (DeitY), which vide letter dated 14.1.2016 and dated 13.06.2016 intimated that this is covered under CRS. Recently, the DeitY vide email dated subsequent 22.08.2016 and letter no. 8(122)/2012-IPHW(Vol-XIX) dated 31.08.2016 informed, "based on submission made in the Technical Advisory Committee in its meeting on 28.07.2016, it has been concluded since the system is designed and to be installed on site as per the requirement of NDMC and the area virtual screen would be about 1350 Sqmtrs. The electrical load of the complete system would be about 30 KW, which would be operated on 3 phase 400 V power supply. Hence the system under consideration falls under the definition of HSE and not covered under CRS."
- (ii) The justification statement has been prepared as per CPWD Manual and is based on the items of schedule of work and scope of work as per the tender. The rates quoted by the L-1 firm are reasonable and justified.
- (iii) Total amount of expenditure is not yet known as all bills of advertisement have not been received and further some unforeseen expenditure may also occur during execution of work. The AA & ES for Rs 5,85,00,000/- after deleting 3% contingency considered on PE on AMC charges as per the earlier observation of Finance dated

	 09.09.16 is therefore required. (iv) The representation / complaint of M/s Lambda has already been examined and the competent authority has accorded approval for rejection of bid of M/s Lambda Eastern Technology Ltd as already mentioned by Finance in their observation at point no. 4 as above. Each and every observation of Finance has been clarified by the department in detail & the case has been processed in accordance with the laid down procedure and all codal formalities have been complied with. The rates are reasonable and justified and the work will be executed strictly as per terms and conditions of NIT / agreement. As far as generating revenue is concerned, possibility to display of the state and central govt. scheme/programs etc at DAVP approved rates etc will be explored as suggested by Finance.
8 Legal Implication of the Subject/Project:	No legal implication involved.
 Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject: 	Item No. 16(B-04) dated 28-08-2015
10 Final comments of the Law Department on the Subject / Project:	There appears to be no legal issue involved at this stage in the agenda item to be placed before Council. However department may ensure that facts and figure mentioned therein are correct and are as per approval of competent authority & CVC as well as guidelines mentioned in the M C Mehta's judgment pronounced by Hon'ble Supreme Court are strictly adhere to. This judgment is for the purpose of advertisement / hoarding put on road side berms, which are displayed & reflect traffic to avoid untoward accidents. Same are prohibited by way of this judgment.
	Reply of Department:
	It is clarified that:
	 Facts and figure mentioned in the case are correct and are as per approval of competent authority & CVC. Regarding observance of guidelines for the purpose of advertisement / hoarding, No Objection Certificate from Traffic Police in the matter has already been received vide their letter no. No.(F.12/16)/1431/TE(NOC)/Traffic dated 8.3.2016.
	Certified that the Department has followed all Central Vigilance Commission (CVC) guidelines while processing the case.
12 Recommendation :	The case is put for consideration and approval of the Council:
	(i) To accord AA & ES amounting to Rs.5,85,00,000/

12		 (ii) To accept lowest rates amounting to Rs.4,98,00,000/- for Part-A and Rs.72,00,000/- for Part-B and to award the work to L-I firm M/s Uniled Technologies India Pvt. Ltd. at their quoted cost as per the terms, conditions and specifications of NIT. Work order for Part-B work shall however be placed to L-1 firm separately after completion of defect liability period of 2 years. (iii) Further, permission may also be accorded to place work order to above firm in anticipation of the confirmation of the minutes of Council.
13	Draft Resolution:	Resolved by the Council approval is accorded:
		 (i) To accord AA & ES amounting to Rs.5,85,00,000/ (ii) To accept lowest rates amounting to Rs.4,98,00,000/- for Part-A and Rs.72,00,000/- for Part-B and to award the work to L-I firm M/s Uniled Technologies India Pvt. Ltd. at their quoted cost as per the terms, conditions and specifications of NIT. Work order for Part-B work shall however be placed to L-1 firm separately after completion of defect liability period of 2 years. (iii) Further, permission is also accorded to place work order to above firm in anticipation of the confirmation of the minutes of Council.

COUNCIL'S DECISION

Resolved by the Council approval is accorded:

- (i) To accord AA & ES amounting to Rs.5,85,00,000/-.
- (ii) To accept lowest rates amounting to Rs.4,98,00,000/- for Part-A and Rs.72,00,000/for Part-B and to award the work to L-I firm M/s Uniled Technologies India Pvt. Ltd. at their quoted cost as per the terms, conditions and specifications of NIT. Work order for Part-B work shall however be placed to L-1 firm separately after completion of defect liability period of 2 years.
- (iii) Further, permission is also accorded to place work order to above firm in anticipation of the confirmation of the minutes of Council.

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ITEM NO. 16 (B-04)	-8- Council: Ordinary Meeting Dared28 08-62015
1 Name of Subject / Project	Providing façade lighting on Palika Kendra Building.
2. Name of the Department/ Departments Concerned	Electricity
3 Brief History of the Subject/Project:	The outstanding landscape of Lutyen's Delhi, Palika Kendra Building, the seat of NDMC is a iconic building. It is a tallest building in the city having height of 91m trs. The building is curved out like a monolithic sculpture with a contemporary touch showing the massiveness and representative of the stature and status of NDMC. The intent for the lighting of the façade facing Jantar Mantar is to turn the building a point of attraction during night time and making it one of the key attraction for the city dwellers, first time visitors to the city as well as foreign visitors and delegates. The lighting should be able to turn the façade to virtual screen by profiling the prominent niches on the façade.
4 Detailed Proposal on the Subject/Project:	 The firms dealing with the façade lighting work were contacted. The three firms namely M/s Premier World, M/s Philips India Ltd. and M/s MIC Electronics Ltd. have given their presentations before the officers of the NDMC. After viewing the presentations, it has been decided by the Chairman that we should go for dynamic LED intelligent display. It has been decided that 3rd froor and above of the NDMC Headquarter building: can be considered for lighting. It has further decided that the the virtual scieen should be made of Linear direct view fixtures in which LEDs used shall be high brightness and of prove: quality from established and reputable LED manufacturers. The intent of the video show running on this façade turned virtual screen would be as follows - 1. Videos of pational interest - e.g. video on Gandhiji. Notaji Subhash Chandra Bose, APJ Abdul Kalam etc. where content can be created by artists and played on the façade. 2. Live streaming of important events. 3. Light shows based on events - Independence Day, republic day, New Year. 4. Special color for any special day - pink for breast cencer awareness etc.

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		5. Hourly color change and 1024x768 resolution video shows during normal days.
		 6. Projection of NDMC logo or other important landmark images like Qutub Minar, India Gate etc.
		 Display of the state and central govt, schemes/programmes at DAVP approved rates.
5	Financial Implications of the proposed Project/ Subject:	Rs. Fleven Crores (approximate)
6	Implementation Schedule with timelines for each stage including internal processing:	Inviting of tender: within 30 days Completion: six months from the date of award of work
7	Final comments of the Finance Department on the subject with diary no. & date:	Finance deptt. communicate to the deptt. as under:-
		 The case deals with seeking approval in principle to the council for providing façade lighting on Palika Kendra Building and accordingly deptt. has processed the draft agenda to be placed before the Council.
		 The proposal has been initiated by the deptt. after viewing the presentation of three firms namely M/s Premier World, M/s Philips India Ltd. and M/s MIC Electronics Ltd; before senior:officers, Secretary and Chairman.
	•	5. The Law deptt, has seen the proposal and advised that the deptt, which is placed on file is at liberty to place the agenda item before the council and further CVC guidelines are adhered to and that the proposal is in accordance with the guidelines issued by the Hon'ble Supreme Court in the case "M.C. Mehta V/s Union of India.
		 As far as placing the agenda for AIP of the council. FD is in agreement with the view of Law deptt, that Electricity deptt, may place the case before the Council.
	7	5. Regarding calling the tender before A/A & E/S. It is advised that deptt. should follow the laid down procedure/codal provisions. A/A & E/S is pre-requisite for any work. As per provision of para 2.1.2 of CPWD manual- No work should normally be commended or any liability thereon incurred until an administrative approval has been obtained, a properly prepared

28,08.2015

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		detailed estimate has been technically sanctioned and where necessary expenditure sanction has been accorded and allotment of funds made." As such it is advised that the further action should be taken after A/A & E/S, proper technical sanction and NIT etc.
		FDs views that A/A & E/S for any work obtained based on preliminary estimate keeping in view (i) establishing the necessicity of work (ii) whether the proposed estimate/work is within the approval norms/work is within the approval norms/yardstick and as per laid down procedure and codal provision (iii) that estimate is not inflated one. These facts can only be examined during the process of estimation/P.E.
		The dept, is also advised to bring the financial implication in the draft agenda. It also needs to be mentioned if any civil work on façade of Palika Kendra will be required before proposed lighting.
		The deptt, may explore the possibility of generating revenue through advertisement within the ambit of Delhi Outdoo: advertisement policy 2008.
		Clarification of the deptt. The proposed case is for approval In- Principle for façade lighting at NDMC Headquarter Palika Kendra Building. The PE will be made and get approved from the Competent Authority after getting the AIP. The cost involved in the scheme is appox.₹11Crores.
		As far as generating revenue is concerned possibility to display of the state and central govt. scheme/programmes at DAVP approved rates will be explored.
8	Legal Implication of the Subject/Project:	N!
9.	Details of previous Council Resolutions, existing law of Parliament and Assembly on the Subject:	
10	Final comments of the Law Department on the Subject / Project:	Agenda item for providing Façade lighting ph Palka Kendra Building to be placed before the Council has no legal issue at this stage. Department is at liberty to place the agenda item before the Council for taking approval as per the provision of NDMC act.

Department is also to ensure that the guidelines of CVC are adhered to and that the proposal is in accordance with the guidelines issued by the Hon'ble Supreme Court in the case "M.C. Mehta v/s Union of India".

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Further on dated 26.08.15. The final view of the Law deptt. is as under:-

In pursuance to our earlier opinion dated 25.08.15 (at page-4) where we had advised the deptt. to ensure that the guideline of CVC area adhered to and that the proposal is in accordance with the guidelines issued by the Hon'ble Supreme Court in case "M.C. Mehta Vs Union of India" in light of the mare 'X' of the Secretary; we have examined the Delhi Outdoor Advertisement Policy 2008 again and we fine that the following three parameters, inter-alia need to be satisfied before the proposal of façade lighting approval, viz;

"4. General permission criteria for advertisement devices.

4.1 Outdoor advertisement and road safety criteria.

..... An advertising device may be considered a traffic hazard:

- If it interfere with road safety or traffic efficiency.
- Distracts a driver at a critical time.
- If situated at locations where the demands an driver's concentration due to road conditions are high such as at major intersections or merging an diverging lanes..."

Keeping in view the provisions mentioned above, the relevant deptt. may examine the proposal.

The issue with the approval of the Director (Law) please.

Reply of the deptt.

The guiding principles of the Outdoor Advertising Policy are as follows: -

1. The policy for outdoor advertising is driven, not by revenue imperatives, but by city development imperatives. Therefore, in its implementation, it will be clear that outdoor hoardings are permitted only if they are not a road safety hazard or if they support the city's public service development and enhance its aesthetics.

2. The policy will explicitly work to discourage visual clutter. This will be done by increasing the space between the billboards and in restricting

iarge billboards to select areas of the city, like its commercial hubs.

5. The policy is designed to ensure that outdoor advertising is not hazardous to traffic. It will assume that there is a significant correlation between road tafety and distraction because of roadside billboards, visible to the drivers. This will be done by allowing large size billboards only after significant distance from the traffic junctions and intersections, by providing significant space between the two billboards on roads, by completely banning billboards on pedestrian walkways and in placing billboards at significant distance from the right of way of any road.

4. In addition, large size billboards will be completely banned on major city arterial roads, like the ring road. The list of roads will be decided jointly between the MCD and the traffic police.

5. The policy will actively promote the large size billboards in commercial areas (defined as metropolitan city centre, district centre/sub central business district, community centre/local shopping centre/convenience shopping centre in the master plan) of the city. In this case, the agency will work to maximize the revenue gains, which can be used for city development.

6. The policy will promote the use of advertising in what is commonly known as street furniture. These are devices placed on public service amenities of the city like railway carriages, buses, metro trains, commercial passenger vehicles, bus shelters, metro shelters, public toilets and public garbage facilities, to name a few. This is done to improve the revenue viability of these public provisions. But it will be noted that the use of advertising space is not the primary function of the utility, it is its supporting function. Therefore, the city agency will ensure that the placement of the public utility is done keeping in mind its public purpose, not its advertising viability. In addition, the agency will ensure that the primary function of the "street furniture" is being maintained and if not then suitable punitive action must be taken against the advertising concessionaire.

7. The policy is judicious in ensuring that there is a differentiation between the use of commercial advertising and private advertising, where signage is used to identify the location of the owner of the building or the space within the building. The policy will do this by laying down clear lists of what is allowed and what is completely disallowed to guide members of the public.

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		 The clarifications to the observations of Law deptt. dated 26.08.15 is as under:- NDMC. Headquarter Palika Kendra building in not on the road side and not visible to the driver from their seat position. It will not interfere with road safety or traffic efficiency. Façade :ight on the NDMC Headquarter will not distracts a driver at a critical time. Keeping in view height of the building and seat position of the driver. The driver's concentration will not distracts as building is away from road and not visible from driver seat. However, opinion of the traffic police will be obtained subsequently during/before execution of work if required and as the case may be.
11	Certification by the Department that all Central Vigilance Commission (CVC) guidelines have been followed while processing the case:	Certified that the Department have followed all Central Vigilance Commission (CVC) guidelines while processing the case:
12	Recommendation:	 The case is put for consideration and In-principle approval for (i) To undertake the proposed work making provision of two years guarantee and thereafter eight years comprehensive maintenance (ii) (ii) To call the tenders for above proposed façade lighting in anticipation to administrative approval and expenditure sanction. The A/A and E/S will be taken at the time of acceptance of tenders from the competent authority
13	Draft Resolution:	Resolved by the Council that In-principle approval is accorded for: (i) To undertake the proposed work making provision of twp years guarantee and thereafter eight years comprehensive maintenance (ii) To call the tenders for above
	: • •	 proposed façade lighting in anticipation to administrative approval and expenditure sanction. (iii) The A/A and E/S is to be taken at the time of acceptance of tenders from the competent authority

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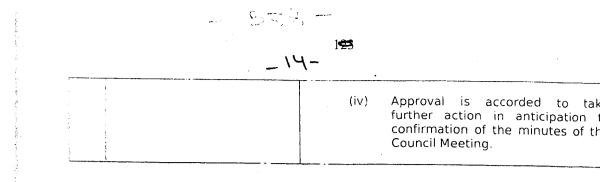
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COUNCIL'S DECISION

The Council appreciated the department for taking up this unique project in the NDMC and approved the proposal.

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