

DELHI DEVELOPMENT AUTHORITY
EM's OFFICE

CONFIDENTIAL

No. EM WAB 1(76)41/2017/ 2122

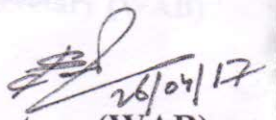
Dated: 26/4/17

CORRIGENDUM

The 2nd WAB (2017) Minutes of Meeting was circulated vide letter of even No.2080 dated 24/04/2017.

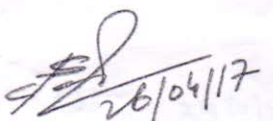
The date of receipt of clearance of final height from Airport Authority of India was inadvertently printed as 05.10.2016 instead of 05.01.2016 at Page-3 of the Minutes of the meeting circulated.

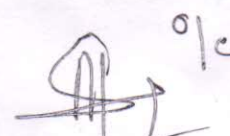
The same may please be read as 05.01.2016 instead of 05.10.2016 in WAB Agenda Item No. 460/CE(South Zone) and remaining matter shall remain unchanged.


Secretary (WAB)

Copy to:-

- i) Sr. PS to VC, DDA for kind information of the latter.
- ii) AD to EM, DDA for kind information of the latter.
- iii) Sr. PS to FM, DDA for kind information of the latter.
- iv) Chief Engineer (QAC), DDA for kind information.
- v) Chief Engineer (Rohini), DDA for kind information and necessary action.
- vi) Chief Engineer (Elect.)Rohini, DDA.
- vii) Chief Engineer (South Zone), DDA.
- viii) Commissioner (Planning), DDA.
- ix) Chief Architect, DDA.
- x) Chief Account Officer, DDA for kind information.
- xi) Chief Legal Advisor, DDA for kind information.
- xii) Sr. AO/CAU (Rohini Zone), for kind information.
- xiii) Sr. AO(W)-III/DDA for kind information.


Secretary (WAB)


26/04/17

CONFIDENTIAL**Delhi Development Authority
(Work Advisory Board)**

No: WAB 1(76) Vol.41/Secy./2017/2080

Dated: 24/4/17

Sub: Minutes of the 2nd WAB (2017) meeting held on 03.04.2017 at 11:30 AM in the Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi.

Minutes of the 2nd WAB (2017) meeting held on 03.04.2017 at 11:30 AM in the Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi, are enclosed here with for favours of information & necessary action.

Encl:- As above

Kalyan 24/4/17
1 (Goutam Chatterjee)
1 Secretary (WAB)

In Circulation to :

- i.) Chief Engineer (Elect.)Rohini, DDA.
- ii.) Chief Engineer (South Zone), DDA.
- iii.) Chief Engineer (Rohini),DDA.

Copy to:-

- i) Sr. PS to VC, DDA for kind information of the latter.
- ii) AD to EM, DDA for kind information of the latter.
- iii) Sr. PS to FM, DDA for kind information of the latter.
- iv) Chief Engineer (QAC), DDA for kind information.
- v) Commissioner (Planning), DDA.
- vi) Chief Architect, DDA.
- vii) Chief Account Officer, DDA for kind information.
- viii) Chief Legal Advisor, DDA for kind information.
- ix) Sr. AO/CAU (South Zone), for kind information
- x) Sr. AO/CAU (Rohini Zone), for kind information.
- xi) Sr. AO(W)-III/ DDA for kind information.

Kalyan 24/4/17
1 Secretary (WAB)

CONFIDENTIAL**DELHI DEVELOPMENT AUTHORITY**
(WORKS ADVISORY BOARD)

No. WAB1 (76)/Vol.41/Secy./2017/

Dated:

Subject : Minutes of the 2nd WAB (2017) meeting held on 03.04.2017 at 11:30 AM in the Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi. The List of officers, who attended this meeting.

Present(S/Shri)

1. Udai Pratap Singh	Vice-Chairman	Chairman
2. Dr. Mahesh Kumar	Engineer Member	Member
3. Santosh Kumar	FM/CAO	Member
4. A.k. Singh	Chief Engineer (QAC)	Member
5. Goutam Chatterjee	EO-III to EM	Secy. (WAB)

Others (S/Shri)

1. Sandeep Mehta	Chief Engineer (Elect.) Rohini
2. Ramesh Kumar	Chief Engineer (South Zone)
3. G.M. Govilla	Chief Engineer (Rohini Zone)
4. Atul Garg	Chief Engineer (Project)
5. Chandu Bhutia	Director (Planning)
6. Ashok Ghodeshwar	ACA-I (South Zone)
7. Charan Singh Jatav	SE(CC-18)
8. A.K. Verma	SE(CC-14)

The following agenda items were discussed.

A) Category "C" : New Items1. **WAB Agenda item NO 460/CE (South Zone)**

Name of Works: -

C/o 852+362 HIG/MIG/LIG houses at Vasant Kunj on Mehrauli Mahipalpur Road, New Delhi, near Sultangarhi Tomb(Multistoreyed and four storeyed houses i/c basement, internal & external development, tube wells and internal electrification complete at Vasant Kunj on Mehrauli Mahipalpur Road New Delhi consisting of cluster 1 to 6.

Subject: Payment of escalation under clause 10cc for all 5 contract of above project on the basis of frozen indices for all clusters on extended date of completion already approved by WAB/Authority.

The agenda note submitted by CE vide no. CE(SZ)FO-18(256)16-17/DDA/1111 dated 23.03.2017 was submitted by CE(South) regarding Payment of escalation under clause 10cc for all 5 contract of above project on the basis of frozen indices for all clusters on extended date of completion already approved by WAB/Authority.

CE(South) stated that earlier work was awarded to M/s Larsen & Toubro Ltd. and M/s EPI Ltd. in March 2002 and July 2002 respectively. The works were rescinded due to a court case filed by Delhi Science Forum an NGO, challenging the land use. The land use was changed to Residential from Agriculture & water body rural. CE(South) stated that after several recall of tenders in the 7th attempts the work were finally awarded to M/s Surendra Kumar for cluster-2 in the year 2009 and M/s Best Buildwell Pvt. Ltd. for cluster-1,3 & 4 in the year 2010. The work of c/o 362 (268 MIG & 94 LIG) in cluster V & VI was also awarded to M/s Odeon Builder Pvt. Ltd. in the year 2010. All the above work could not be taken up even upto stipulated date of completion due to no providing the revised structural drawing as per revised structural code/revised fire fighting norms by the consultant architect who already submitted the drawing on old structural code and demanding the revision of payment. The matter was taken up with various authorities for sorting out this issue, since consultant architect failed to supply the balance drawing even upto the extended date of completion which was already approved by DDA authority. as tabulated below:

Cluster	Agreement	Stipulated date of start/ completion	Extended date of completion
1.	05/EE/ED-7/SZ/DDA/2010-11	03.06.2010/02.06.2012	14.07.14
2.	23/EE/SWD-1/2009-2010	25.10.2009/24.10.2011	31.12.12
3.	14/EE/SWD-1/2010-11	09.09.2011/08.09.2012	14.05.14
4.	03/EE/SED-8/2010-11	03.05.2010/29-5-2012	14.07.14
5 & 6	02/EE/SED8/2010-11	20.05.2010/19.05.2012	14.01.14

Thereafter the drawing were obtained by outsourcing from other agency in order to complete the project.

CE(South) further added that apart from the above issue there were other factors which attributed delay in completion of the project.

- (a) The dismantling of foundation work done by L & T as per old code.
- (b) The clearance from Fire department.
- (c) Non approval of dual water supply system by DJB.
- (d) The height clearance from Airport Authority of India.

After receipt of final height on 05.10.2016 the existing provision was required to redesign of overhead tanks, mummy and terrace slab due to restriction of the height approved by AAI.

Accordingly getting the clearance from Delhi fire services on 15.06.2016 the design/drawing for the same were processed through new consultant thereafter.

After due discussion and considering above aspect information and clarification as placed by CE (South).

- (a) Board decided to accept the recommendation of CE(South) to allow to pay compensation under clause 10CC to the present agencies of the work of C/o 852 Houses (Cluster 1 to 4) and C/o 362 Houses (Cluster -5 & 6) for the extended period beyond the date as approved by authority in meeting held on dt: 03.08.2012, the indices be taken as same as on the date approved by authority in meeting held on 03.08.2012 subject to approval of justified extended period by the competent authority. In case of decrease in indices during the extended period beyond the date decided in authority in the meeting held on dt.03.08.2012, the amount with decreased indices will be payable and in case the indices increases during this period, the indices as on date approved by authority in the meeting held on 03.08.2012 shall be frozen. However, the authority responsible for extension of time as per contract agreement shall decide extension of time purely on merits of the case.
- (b) Regarding Revised Preliminary Estimates, committee under chairmanship of EM, DDA consisting of FM and CLA shall examine matter and submit report accordingly & will submit the proposal to EAC with financial concurrence.

2. WAB Agenda Item No. 443/CE(R) placed on table:

- | | | |
|-----|----------------------|---|
| (i) | Name of Work: | D/O 122.92 Hect. of land at Sector-37(Part) Ph.V Rohini |
| | SH: | C/O Peripheral Storm Water drain and culverts
in Sector-37 (Part) Ph-V Rohini. |

The Agenda note submitted by CE(R) vide no. FO/CE(R)/11(592)2016-17/DDA/394 dated 30.03.2017. Was presented by CE(R) with the recommendation for awarding the work to the lowest agency M/s A.K. Gupta & Co. Chief Engineer(Elect.)Rohini stated that on line e-tender for the work were re-invited by EE/SD-2 giving wide Publicity through new paper and also circulating the N.I.T. among various contractors Association and other with the last date of submission of tender and opening of financial bid AS on 22.11.2016 and 30.12.2016 respectively. As per CE(R), 5(five) nos agencies have submitted their offers .

CE(R) further stated that this is the third call, in 1st call of tender opened on 10-12-2013 but not approved due to status quo order of Hon'ble Supreme Court as well as agitation by villagers of Barwala. In the second call of tender, financial bid was opened on 15.07.2015, out of five bidders, three bidders qualified. M/s. SBG Infracon was the lowest tenderer with quoted amount of Rs. 24,89,98,815/- i.e. 17.90% below the estimated cost. The agency after giving three extensions of three months each up to 11.03.2016 refused further extension. Finally, WAB decided to close the award in the meeting held on 31.08.2016 and directed CE(R) for re-tendering of the work. He further stated that the rates quoted by lowest agency is 5.88% less from the contractor whom work was awarded in the 2nd call so in that way. We are saving money.

Estimated Cost = Rs. 30,32,69,407/- Tendered Cost = Rs. 23,11,54,226/-

Hence tender of M/S A.K. Gupta & Co. is recommended for acceptance on the quoted rate which was 23.78% below the estimated cost put to tender and 24.97% below the justified cost. CE(Elect.)Rohini further stated that earlier at no stage higher rates were received.

After due discussion and considering above aspects, information and clarification as placed by CE (Elect.)Rohini. Board decided to accept the recommendation of CE(Elect.)Rohini for acceptance of the work of M/S A.K. Gupta & Co. on his quoted rates 23.78% below the estimated cost put to N.I.T.

3. WAB agenda item NO. 444/CE(R) placed on table:

i) Name of work : Development of 443.44 hact. of land in phase-V at sector-34 & 35, Rohini,

Sub head : Providing and laying Peripheral Sewerage line in Sector-34 (Part) and 35, Rohini, (Balance work).

Agenda note submitted by CE(R) vide no FO/CE(R) 11(594)2016-17/DDA/393 dated 30.03.2017. was presented by CE(R) with the recommendation for awarding the work to the lowest agency M/s MANMOHAN SINGH WADHWA CONSTRUCTIONS PVT LTD. Chief Engineer(Rohini) stated that on line e-tender for the work were re-invited by EE/RPD-4 giving wide Publicity through new paper and also circulating the N.I.T. among various contractors Association and other with the last date of submission of tender and opening of financial bid on 20.02.2017 and 23.02.2017 respectively. As per CE(R), 7(Seven) nos. agencies have submitted their offers.

CE(R) further clarified that this is the first call, tenders were opened on 23.02.2017 and M/S MANMOHAN SINGH WADHWA CONSTRUCTIONS PVT LTD is lowest tenderer with their quoted amount of Rs. 10,45,36,217/- which is 29.45% below the estimated cost put to tender.

Estimated cost = Rs. 14,81,72,525/- Tendered Cost = Rs. 10,45,36,217/-

Hence tender of M/S MANMOHAN SINGH WADHWA CONSTRUCTIONS PVT LTD is recommended for acceptance as the quoted rate of 29.45 % below the estimated cost & 30.34% below the justified cost. CE(Elect.)Rohini stated that earlier no tenders were invited for this work.

After due discussion and considering above aspect information and clarification as placed by CE (Elect.)Rohini. Board decided to accept the recommendation of CE (Elect.)Rohini for acceptance of the work of M/S MANMOHAN SINGH WADHWA CONSTRUCTIONS PVT LTD on his quoted rates 29.45 % below the estimated cost put to N.I.T.

4. WAB agenda item NO. 445/CE(R) placed on table:

ii) Name of work : Development of 443.44 hact. of land in sector 34 - 35 phase-V, Rohini,

Sub head : Construction of 30mtr. R/W road, both carriage way and Foot Paths in Sector 34 & 35, Rohini Phase-V (Left over work).

Agenda note submitted by CE(R) vide no FO/CE(R) 11(595)2016-17/DDA/392 dated 30.03.2017. was presented by CE(R) with the recommendation for awarding the work to the lowest agency M/s Rakesh Kumar & Co. Chief Engineer(Rohini) stated that on line e-tender for the work were re-invited by EE/RPD-4 giving wide Publicity through new paper and also circulating the N.I.T. among various contractors Association and other with the last date of submission of tender and opening of financial bid on 09.03.2017 and 15.03.2017 respectively. As per CE(R), 11(Eleven) nos. agencies have submitted their offers.

CE(R) further clarified that this is the first call, tenders were opened on 15.03.2017 and M/s Rakesh Kumar & Co. is lowest tenderer with their quoted amount of Rs. 11,67,20,804/- which is 32.71% below the estimated cost put to tender.

Estimated cost = Rs. 17,34,54,173/- Tendered Cost = Rs. 11,67,20,804/-

Hence tender of M/S M/s Rakesh Kumar & Co. is recommended for acceptance as the quoted rate of 32.71 % below the estimated cost & 38.17% below the justified cost. CE(Elect.)Rohini stated that earlier no tenders were invited for this work.

After due discussion and considering above aspect information and clarification as placed by CE (Elect.)Rohini. Board decided to accept the recommendation of CE (Elect.)Rohini for acceptance of the work of M/S Rakesh Kumar & Co. on his quoted rates 32.71 % below the estimated cost put to N.I.T.

✓ 5. **WAB AGENDA ITEM NO.446 CE(RZ) placed on table**

Name of Work :	C/O 18600 EWS Houses using prefab Technology (having Structural RCC Member i.e. columns, Beam and slabs all precast) in Dwarka, Rohini & Narela Delhi (A Turnkey Project).
Name of Agency:	M/S. BG Shirke Construction Tech. Pvt. Ltd. PUNE
Awarded Value:	INR 762.29 Crores

Agenda No. 1 Claim against deployment of Security Personal

The agenda note submitted by CE(RZ) on table dated 30.03.2017 on the above subject with the recommendation that since the contract clauses are contradictory and deployment of Security Personal is an essential requirement in the "Public" and "DDA's" interest, WAB may kindly take an appropriate decision whether the responsibility of deployment of Security Personal lies on agency or DDA.

Agency has raised the claim of Rs.4.81 Crores on account of deployment of Security Personal after completion of project. Period of deployment of Security Personal is varying from April 2014 to Nov-2016 as the project is consisting of various pockets completed at various period. Deployment of Security Personal is still continuing. As a matter of fact, as per Clause 36 page 453 of contract agreement it was the responsibility of DDA to take the projects in it's possession immediate after their completion but DDA did not take over the project even after completion was notified by

agency. With the result, M/S. BG Shirke had to deploy the Security Personal for the security of property of DDA. A legal interpretation was also sought from legal wing of DDA as per which watch & ward or in common parlance, care taking is the responsibility of the one who is in possession of the property either in actual physical possession or in construction possession. From the Scope of Work it is clear that cost of projects includes the cost of watch & ward but the time limit of watch & ward has not been defined in the contract. BG Shirke refers the clause 32 of contract agreement as per which their responsibility after completion of project is limited to rectification of defects if notified by DDA within the defect liability period of 3 years. 3 years of defect liability period starts from the date of handing over of possession of respective housing pockets to DDA with this, it does not seem to include watch & ward by the agency after completion of project.

After due discussion and deliberation, the board was of the opinion that DDA should calculate expenditure on security personnel actually deployed on unoccupied pockets through a committee consisting of two Chief Engineers, the said committee shall also negotiate with agency & bring down their claim on basis of DDA's calculation as per provision of agreement contained in clause 32 of contract. It shall be ensured that issue should not lead to arbitration.

Agenda No.2 Escalation Payment on Extra/ Substituted Item:

The agenda note submitted by CE(RZ) on table dated 30.03.2017 on the above subject with the recommendation that

It is settled norms of CPWD or any Engineering Oriented Organization that no Escalation is payable on Extra/ Substituted item executed by the agency. M/s. BG Shirke is entitled to receive payment strictly in accordance with Clause 8.2.1 and 8.2.2 as stipulated in the contract. Since, the Extra/Substituted items have been executed in various intervals due to hindrances on account of villager's agitation, litigation etc, the market rates prevailed on the period of execution of item shall be applied for Rohini project. However, the merit of claim of agency, is subject to examination in accordance with various aspects of Contract / Engineering norms and paid with the approval of competent authority after vetting it from technical and financial aspect both if the agenda is approved by WAB.

BG Shirke raised a claim of INR 7 Cr. Approximately on account of escalation on Extra/Substituted items for Rohini-Project. These items were executed as per site requirement by M/S BG Shirke in various intervals due to frequent hindrances created by local villagers and litigation with the result, M/S BG Shirke encountered the price hike in material and labour. Though, clause 44 of the agreement clearly states that no escalation on extra substituted items is payable as these items are paid on market rate basis.

After due discussion & deliberation, the board was of the opinion that regarding escalation payment on Extra/Substitute items, the matter should be referred to legal & finance. CE(R) is directed to pursue the case with legal & finance for getting their opinion within 15 days and then after CE(R) take necessary action accordingly.

Agenda No.3 Payment of Differential Vat on Extra/ Substituted items

The agenda note submitted by CE(RZ) on table dated 30.03.2017 on the above subject with the recommendation that WAB may like to approve the addition of VAT as specified in CPWD Manual while deriving the rates of Extra/ Substituted items on market rate basis.

BG Shirke pleaded that the rates quoted in the contract are inclusive of all taxes. Therefore, the taxes/ vat as applicable on extra/ substituted items should also be paid by DDA to them. While examining the analyzed rates for extra substituted items submitted by M/s BG Shirke, DDA disallowed 2% tax. There are defined norms that the rates, while analyzing for extra/ substituted items, should be inclusive of all taxes applicable as per statutory norms. This is in view of the fact that such taxes are deducted from the running bills of contractor and deposited with statutory authority by DDA.

CPWD Works Manual-2014 is referred. Para 3 of Sub Clause 24.3 pertaining to determination of rates for deviated/ extra/ substituted items of Page 186 clearly states that while analyzing the rates, effect of other Construction Worker's Cess Act 1996 and VAT/Work Contract as applicable will also be added. For this, CPWD Manual in it's sub clause 20.4.3.1 Page 139 clearly defines to add VAT @ 2% while deriving the rates for Extra/ Substitutes items on market rate basis.

After due discussion & deliberation, the board was of the opinion that regarding payment of differential VAT on Extra/Substitute items, the case should be brought before FM for opinion and subsequently matter may be brought before WAB.

Sd/-
(Santosh Kumar)
Chief Account Officer

Sd/-
(A.K. Singh)
CE (QAC)

Sd/-
(Dr. Mahesh Kumar)
EM/DDA

Sd/-
(Santosh Kumar)
FM/DDA

Sd/-
(Udai Pratap Singh)
Vice Chairman/DDA

DELHI DEVELOPMENT AUTHORITY
EM's Sectt.

No. EM WAB 1/76/41/2017 / 2366

Dated: 11/5/17

OFFICE ORDER

With reference to the 2nd WAB (2017) meeting held on 03.04.2017 and minutes of the meeting circulated vide letter No. WAB1(76)Vol.41/Secy./2017/2080 dt.24.04.2017 for the work of c/o 18600 EWS Housing Project using prefab Technology (having structural RCC member, i.e., columns, Beam, and slabs all precast) in Dwarka, Rohini & Narela, Delhi (A Turnkey Project) being executed by M/s B.G. Shirke Construction Tech. Pvt. Ltd. Pune (WAB Agenda Item No. 446 CE(RZ)). As per the opinion of the board, DDA should calculate expenditure on security personnel actually deployed on unoccupied pockets through a committee of two Chief Engineers, the said committee shall also negotiate with agency and bring down on the basis of DDA's calculation as per provision of the agreement contained in Clause 32 of the contract and it shall be ensured that issue should not lead to arbitration.

In view of above, a Committee of two Chief Engineers, i.e., CE(NZ) & CE(RZ) has been formed and the Committee shall submit its report.

This issues with the approval of VC/DDA.

Copy to:

1. PS to VC/DDA.
2. AD to EM/DDA.
3. All the concerned Chief Engineers.
4. EO-II, EO-III to EM

(ANIL BEHKI)
Dir.(Works)

o/c

Dir.(Works)

o/c