

CONFIDENTIAL

Delhi Development Authority
(Work Advisory Board)

No: WAB 1(76) Vol.41/Secy.VIII/2017/ 5896

Dated: 27-12-17

Sub: Minutes of the 8th WAB (2017) meeting held on 22.12.2017 at 1:00 PM in the Conference Hall, 1st floor, B-Block, VikasSadan, INA, New Delhi

Minutes of the 8th WAB (2017) meeting held on 22.12.2017 at 01:00 PM 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

In Circulation to :

- i.) Chief Engineer (Project Zone), DDA.
- ii.) Chief Engineer (Rohini Zone), DDA.
- iii.) Chief Engineer (North Zone), 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) Chief Engineer (HQ), DDA for kind information.
- vi) Commissioner (Planning), DDA.
- vii) Chief Architect, DDA.
- viii) Chief Account Officer, DDA for kind information.
- ix) Chief Legal Advisor, DDA for kind information.
- x) Director(Works), DDA for kind information.
- xi) Director(Building), DDA for kind information.
- xii) Sr. AO/CAU (Project Zone), for kind information.
- xiii) Sr. AO/CAU (Rohini Zone), for kind information.
- xiv) Sr. AO/CAU (North Zone), for kind information.
- xv) Sr. AO(W)-III/ DDA, for kind information.


Secretary (WAB)


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DELHI DEVELOPMENT AUTHORITY
(WORKS ADVISORY BOARD)

No. WAB1 (76)/Vol.41/Secy./VIII/2017/.5896

Dated: 27/12/17

Subject: Minutes of the 8th WAB (2017) meeting held on 22.12.2017 at 1:00 PM in the VC's Conference Hall, 1st floor, B-Block, Vikas Sadan, INA, New Delhi.

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. K. Vinayak Rao	FM	Member
4. Santosh Kumar	CAO	Member
5. A.K. Singh	CE (QAC)	Member
6. N.K. Gupta	EO-III to EM	Secy. (WAB)

Others (S/Shri)

1. Ajay Gupta	CE(NZ)
2. Sandeep Mehta	CE(RZ)
3. A.K. Garg	CE(Project)
4. Rajiv Kumar Singh	CE(HQ)
5. H.K. Bharti	Director (Planning)
6. Ashok Ghodeswar	ACA-I/SZ
7. Surajit Jaradhara	Director (Building)
8. Anil Behki	Director (Works)

The following agenda items were discussed.

- A) **Category "B": Deferred Items (1) & (2) in 7thWAB(2017) Meeting held on 08-12-2017 at 11.00AM**

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(1) WAB Agenda Item No. 02/CE(PROJECTS):

Name of Work: Construction of Flyover-cum-ROB on UER-I at Narela.

The above agenda note was submitted in 7th WAB (2017) by CE (Project) with the recommendation for acceptance of award the work to the lowest tenderer. Four bidders have given / submitted their bid namely, M/s S.P. Singla Constructions Pvt. Ltd., M/s JMC Projects India Ltd., M/s Simplex Infrastructure Ltd., and M/s ITD Cementation India Ltd. All were technically qualified. Financial bids were opened on 27.11.2017.

Out of four bidders M/s S.P. Singla Constructions Pvt. Ltd is the lowest bidder with quoted amount Rs. 378, 24, 23, 819.40 which is 14.78 % above the estimated cost. During that discussion, Board wanted a detailed analysis of factors affecting the rates and quantification of the impact of price variations. Board decided to defer this item for next meeting.

The revised agenda note was submitted by CE (Project) vide letter no. F.2(2) FO to CE(P)/DDA/2017-18/207 dated 13-12-2017 and presented by CE(Projects) in present board meeting with the recommendation for acceptances of award the work to M/s S P Singla Construction Pvt. Ltd. being the lowest tenderer with quoted rate 3.37 % above the justified cost. The position of the bidder is as below:

S.no	Bidder Name	Amount % age on EC	% age on justified cost
1.	M/s S.P. Singla Constructions Pvt. Ltd.	Rs.3782423819.40 14.78%	3.37% above the justified cost (L-1)
2	M/s JMC Projects India Ltd.	Rs. 3849962900.72 16.83%	5.22% above the justified cost (L-2)
3.	M/s Simplex infrastructure Ltd.	Rs. 4522737581.09 37.25%	23.60% above the justified cost (L-3)
4.	M/s ITD Cementation India Ltd.	Rs. 4673404318.66 41.82%	27.72 % above the justified cost (L-4)

As brought out in the Agenda note, WAB was informed that the impact of GST on the rates is as follows:

- (I) GST @ 12% included in quoted rates = Rs. 40.52 cr
 Input tax credit availed = Rs. 19.52 cr
 Net impact of GST = Rs. 21.00 cr
- (II) In addition to the impact of GST it was also informed by CE(Projects) that following factors will have to be considered in working out justified rates.

Labour cess @ 1% = Rs. 3.74 cr (As stated in the agenda this was not taken into consideration at the time of estimation of cost of work at Rs. 329.53 cr)
 Impact due to labour cost = Rs. 19.36 cr (Based on min wages)
 Impact due to POL cost = Rs. 1.92 cr (POL component as 10%)
 Impact due to Cement cost = (-) Rs. 1.20 cr (based on actual quantity)
 Impact due to Steel cost = (-) Rs. 9.88 cr (based on actual quantity)
 Net impact due to I and II above works out to Rs. 34.94 cr, which is (+) 10.6% above the estimated cost. Further, the cost quoted by L1bidder is 3.77% above the "justified amount".

After due discussion & deliberation Board agreed with recommendation of CE (Project) that the quoted amount of L1 bidder being within a limit of 5 % of justified amount as specified in clause 20.4.3.2 of CPWD WORKS MANUAL 2014, can be accepted, subject to fulfilling all other codal formalities. Board also directed Chief Engineer (Projects) that he should ensure that in case of any necessity of variation in quantities during execution of the contract, it should be ensured that L-1 always remains L-1 and there is no vitiation of tender at any stage of execution. Board further directed that CE (Projects) to strictly adhere to time line for completion of the work.

(2) WAB Agenda Item No. 453/CE(RZ): (On Table)

Name of Work: D/o 443.44 hect of land in Sector-34& 35, Ph.-IV & V, Rohini.. SH: C/o Rising Mains from SPS no. 2 in Sector-35 to STP in Sector-25, Rohini, New Delhi.

The above agenda note was submitted in 7th WAB (2017) by CE (Rohini) with the recommendation for acceptances of award the work to M/s K.R. Anand being the lowest tenderer. Three agencies have been found eligible in technical evaluation namely M/s K.R. Anand, M/s Tirupati Cement Products., and M/s Tapi Prestressed Products Ltd..

Out of three bidders, M/s K.R. Anand is the lowest bidder with quoted amount Rs.25,50,68,589/- i.e., 10.48% below the estimated cost. During that discussion, Board pointed out certain errors in the agenda note due to which Board decided to defer this item for next meeting.

The revised agenda note was submitted & distributed by CE (Rohini) in the 8th WAB meeting on 22.12.2017 and presented by CE (Rohini) with the recommendation to recall the tender which may also be kept open to class-1 contractors without qualification process for wider bidding scope because rates received in a similar nature of work with estimated cost below Rs.20 crores are 28.66% below as compared to 10.48% below quoted in this tender. Same agency, viz., M/s K.R. Anand has quoted rates 22.77% below the estimated cost in that smaller work. CE(Rohini) further stated that the amount quoted by L1 is 11.47% below the "justified amount".

FM/DDA sought clarification for recall of tender first time. It was clarified by CE(R) that in the first call of tender while issuing N.I.T inadvertently it was mentioned that contractors from DDA, CPWD, MES, BSNL, Railway are only eligible to participate in the

tender. After opening of the technical bid Contractors Association of DJB raised objection that this tender should not be restricted to the contractor from DDA, CPWD, MES, BSNL, Railway it should be kept open to all eligible tenderers. Since there was discrepancy in N.I.T hence, approval to recall the tender was accorded by EM/DDA. Accordingly, tender was recalled and opened again on 01.06.2017. Technical bid was evaluated as per eligibility criteria specified in technical bid. The documentation was checked at the level of SE/CC-14 then SE(P)R and finally evaluated by technical committee comprising of EE(P)/CC-14 and SE(P)R and approved by CE (Rohini). Since the approval of technical bid was in the competency of EM/DDA, it was put up to EM/DDA on 10.07.2017. The case was scrutinized in the office of EM/DDA and it was returned back to CE (Rohini) to clarify detailed reasons for re-invitation of this tender along with file. Case was resubmitted on 21.09.2017 and the case was put up to technical committee under the chairmanship of EM/DDA & meeting was held on 29.09.2017. Technical Committee found 3 of the 4 offers as technically qualified. Accordingly, approval was accorded by technical committee on 29.09.2017 and the price bids were opened on 03.10.2017 with a validity of 90 days, i.e., up to 31.12.2017. The case was processed by Executive Engineer and after verification of comparative statement by AAO, justification of rate was prepared and sent to SE then CE (Rohini). Accordingly agenda for WAB was prepared and put up on 06.12.2017 along with the recommendation for acceptance of award the work to M/s K.R. Anand, being the lowest tenderer. Matter was discussed in WAB agenda and the case was deferred for next meeting.

Again case was put up in WAB dated 22.12.2017, matter was discussed in detail and it was seen that the recommendation of CE (Rohini) is not in the line with previous recommendation, in which CE (Rohini) recommended to accept the offer of lowest tender. Now, in this agenda CE (Rohini) has recommended to recall the tender and also recommended that tender should be kept open to class-1 contractors without qualification process for wider bidding scope due to the fact that rates received in a similar nature of work with estimated cost below Rs.20 crores are 28.66% below as compared to 10.48% below quoted in this tender. Same agency, viz., M/s K.R. Anand has quoted 22.77% below the estimated cost in that smaller work.

Board expressed its displeasure at the time taken to process the bid. Total time taken is around 6 months, out of which technical scrutiny of bids itself has taken 4 months. Board also expressed concern at handling of the case in a casual manner, especially when the work is directly connected to allotment of plots to the beneficiaries of the Rohini Residential Scheme, which is being monitored by Hon'ble Supreme Court. The next date of hearing of the case is 8.01.2018. In view of the above facts, Board deliberated the case at length and concluded that:

- (1) Acceptance of CE (Rohini)'s revised recommendations will result in further delay and DDA may not be able to meet the time lines committed to Hon'ble SC;
- (2) Acceptance of the revised recommendations will be in violation of para 15.7(1) of the CPWD Manual, 2014 which states that for works more than Rs. 20 cr, bids should be called with pre-qualification on two/three envelope system, and;



- (3) Acceptance of the revised recommendations would also amount to change in policy on a case to case basis, which is not in line with the principles of transparency and fairness of the bid process.

Board discussed the possibility of negotiation for lowering the rate based on the rate of similar work in another tender. It was pointed out that as per para 20.4.7(2) of CPWD Works Manual, 2014 in general there should be no negotiation on rate with lowest tenderer. However, negotiation should be permitted in following situations:

- (i) For clarification and confirmation on any error/ambiguity in the nomenclature/rate of item(s) of work that is possible to set right after negotiation with the lowest tenderer without any obvious disadvantage to other tenderers/Govt.
- (ii) In case of receipts of higher rates on recall of a tender which was rejected on earlier occasion for reasons of higher rates than the justified rates including the allowable variations permitted under para 20.4.3.2 (Modified vide OM DG/MAN/275 & 297 dt. 15.01.2014).

As this case does not fall under any of the above two categories, hence negotiation cannot be done with lowest tenderer.

In view of the above facts, the Board recommended to accept the tender of M/s K.R. Anand after fulfilling of all codal formalities at his quoted rates, i.e. 10.48% below the estimated cost. Board also directed Chief Engineer (Rohini) that he should ensure that in case of any necessity of variation in quantities during execution of the contract, it should be ensured that L-1 always remains L-1, and there is no vitiation of tender at any stage of execution. Board further directed that CE (Rohini) to strictly adhere to time line for completion of the work.

B) Category "C": New Items

Agenda Item No.- 01/CE(NZ): (On Table)

**Subject: In-Situ development of Kathputli Colony near Shadipur
deport, New Delhi.**

The agenda note submitted by Chief Engineer (NZ) vide No F 13(16)2011/Bldg/Part/317 dated 21.12.2017 was considered by the Board.

After due discussion and deliberations the following decisions were taken:

- (I) *It is noted that the UBBL 2016 has come into force with effect from 22nd March 2016, therefore all the statutory provisions of Unified Building Byelaws 2016 are to be adhered to for sanction of plans. It is incumbent upon the DE has to submit the plans for sanction by incorporating the provisions of UBBL 2016 and latest structural codes (Structural drawings/designs duly approved by government bodies like IIT, CBRI, SERC etc.). Therefore with reference to Sub-clause 3.1, the issue is clarified accordingly. In particular the following norms as per UBBL 2016 are to be adhered to.*



"Staircase width 1350mm, Tread 300mm and riser 150mm shall be adopted as per UBBL-2016."

"The dimension of double loaded Corridor/s 1.8m of width shall be adopted." Board directed that there should be no cost implications for DDA on account of the above.

- (I) Board agreed with the recommendations of the specially constituted multi-disciplinary committee in respect of Sub-clause 3.2. Therefore, in the Sub-clause 3.2, the following clarification may be issued.
"Maximum Built-19471 Sq. m. Up Area" shall be read as "Maximum FAR Area-19471 Sq. m."
"Maximum ground – 3242 sq. m. coverage" shall be read as "Maximum Ground Coverage = 3242 sq. m."
"The Maximum FAR area for Free sale Housing is 19471 Sq.m and shall be processed as per provisions of UBBL-2016."
- (II) Sub clause 2.1 (consideration): Board agreed with the recommendation of the specially constituted multi-disciplinary committee that no change is needed.
- (III) Sub clause 3.2 (Free sale Commercial component): Board agreed with the recommendation of the specially constituted multi-disciplinary committee that no change is needed.

Sd/-
(Santosh Kumar)
 Chief Account Officer

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

Relieved on 22.12.2017
(Dr. Mahesh Kumar)

Sd/-
(K. Vinayak Rao)

EM/DDA

FM/DDA

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