

**No. 10/V-15/(A-17)/2017-VSI
Government of India**



**Office of JS & CVO
Vigilance Unit, CPWD
Nirman Bhawan, New Delhi-110108**

Date: 28.02.2018

To,

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The Chief Engineer (CSQ) (Civil),
CPWD, Nirman Bhawan,
New Delhi-110108.

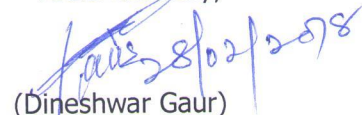
Sub: Preparation of NIT and contract agreement based on realistic site conditions- regarding (systemic improvement No.2).

Sir,

For tenders published for works to be executed by CPWD, NIT is to be prepared based on actual requirements and site conditions. However, while examining a particular case it has been observed that the NIT stated: "site for the work is available" in its form CPWD-6. On the contrary, the NIT mentioned in special conditions that the site will be handed over in parts. The time of completion and milestones under clause-5 (as mentioned in schedule-F) were stipulated without taking into consideration the fact that site is to be handed over in parts. Thus, the stipulated time of completion and the milestones specified in the NIT were unrealistic and hence unachievable. During the execution of work, site was actually handed over in parts and this fact was recorded in the form of letters to client department, hinderance register etc. Justified hinderances recorded which were taken cognizance of by the competent authority while deciding EOT, ultimately resulted in grant of EOT without levy of compensation. The contractor raised claims for payments on account of extended period of contract which were awarded in his favour in Arbitration.

If the actual site conditions, actual status of availability of site and milestones based on the same were stipulated in the NIT, the contractual disputes would not have arisen. It is, therefore, requested to issue guidelines directing all NIT approving authorities to ensure incorporation of actual site conditions and facts regarding availability of site, time of completion and milestones accordingly in the NIT's so that contractual disputes and the consequent Arbitration/Court cases are minimized, as a part of good practice of contract drafting and contract management for works executed by CPWD.

Yours faithfully,


(Dineshwar Gaur)

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