



CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

No. DGW/CON /184

NIRMAN BHAVAN, NEW DELHI

DATED 28.8.2003

SUBJECT : Incorporation of Contract Clauses (Special conditions) and implementation repercussion thereof.

CVC after inspection of one of the important work of CPWD, has desired that the directorate may issue directions to all concerned while finally dropping the inspection paras so that such conditions/specifications are not repeated in future NIT's/Tenders).

1. In the nomenclature of items, name of manufacturer of a particular item either should not be mentioned or in case it is required to be mentioned then names of more than two manufacturers with appropriate brand names and product identification number, be given in the description of item, to avoid ambiguity. Care should be taken that products are functionally equivalent and be more or less within plus / minus 10 % variation in cost.
2. In one of the agreement it was provided that contractor will bring their own generator to avoid power cuts during execution .The CTE has observed that contractor did not bring generator . Reply of department was that condition of contractor's arrangement of generator was made to meet contingencies of power cuts . No hindrance was allowed to the contractor on account of power cuts. From the above provision, it may be noted that this has financial bearing as it requires assessment and addition in market rate justification whereas the contractor may not arrange the Generator at all as is in the case under consideration. Non availability or interruption of commercial power supply could lead to delay in the progress of work and it is recommended that the contractor will arrange an appropriate standby generator, so as to ensure timely completion. This provision could also be made in terms of contractor making his own arrangement to meet contingencies of power cuts for which no claim or relaxation would be admissible.

In this regard it is advisable that whenever special conditions with financial implications are incorporated, the same should be enforceable. The conditions not attributable to the progress of work but having financial bearing on the tender and which cannot be enforced on the contractor should not be stipulated in the tender.

This issues with the approval of DG(W) CPWD.

Sd/- 25.8.03

SUPERINTENDING ENGINEER(C&M)