## CENTRAL PUBLIC WORKS DEPARTMENT

## OFFICE MEMORANDUM No.DGW/MAN/167 ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS NIRMAN BHAVAN,NEW DELHI DATED:\_01.12.2008

## Subject: Amendment of section 32.8, 32.9 and 32.10 containing Clause 10C, 10CA and 10CC of CPWD Works Manual-2007.

Following provisions of para 32.8, 32.9 and 32.10 as contained in CPWD Works Manual 2007 stands modified as under. The modified provisions shall be applicable only in respect of the new contracts and shall not be applicable to contracts already drawn or where tenders have already been received and not finalized.

Existing Provision	Modified Provision
32.8 Clause 10(C) of Forms no. CPWD 7 and 8	32.8 Clause 10(C) of Forms no. CPWD 7 and 8
1) Clause 10(C) provides for re-imbursement to	1) Clause 10(C) provides for re-imbursement to
contractor due to increase/decrease caused as a	contractor due to increase/decrease caused as a
direct result of coming into force of any fresh law	direct result of coming into force of any fresh law
or statutory rule or order (but not due to any	or statutory rule or order (but not due to any
changes in sales tax/VAT), in the price of material	changes in sales tax/VAT), in the price of material
incorporated in the works and/or wages of labour	incorporated in the works (excluding the materials
which were prevailing at the time of receipt of	covered under clause 10CA) and/or wages of
tender for the work. The increase should not be	labour increased over prices/wages prevailing at
attributable to delay in the execution of the contract	the time of the last stipulated date of receipt of
within the control of the contractor.	tenders including extensions, of any, for the
	work during contract period including the
	justified period extended under the provisions of
	clause 5 of the contract without any action
	under clause 2. The increase should not be
	attributable to delay in the execution of the contract
	within the control of the contractor.
2) The operation of the clause includes both the	2) The operation of the clause includes both the
increase as well as decrease in price of materials	increase as well as decrease in price of materials
and/or the wages of labour.	and/or the wages of labour.
3) To ensure uniformity in working out the rates so	3) To ensure uniformity in working out the rates so
payable, the rates are to be analyzed and fixed	payable, following procedure shall be followed:
by the Superintending Engineers (P) of the	(i) Materials:
Zones and approved by the Chief Engineers.	The Increased/Decreased rates of material(s)
The Executive Engineers can make payments on	shall be approved by Zonal Chief Engineer.

<ul> <li>the basis of these rates after satisfying the other requirements of clause 10(C).</li> <li>4) Clause 10(C) forms in the nature of an equitable reimbursement.</li> <li>5) The claim for increase shall not be payable if such increase has become operative after the stipulated date of completion of the work in question.</li> </ul>	Payment/recovery shall be made by Engineer- in-Charge on the basis of theoretical consumption of materials(s) multiplied with difference in cost of such material(s) as prevailing at the time of receipt of tender and increased/decreased rates as approved by Zonal Chief Engineer. (ii) Labour: The increase/Decrease shall be approved and Paid/Recovered by Engineer-in-Charge on the basis of Increase/Decrease of wages of labour coming into force as per fresh law or statutory rule or order. 4) Clause 10(C) forms in the nature of an equitable reimbursement. 5) The claim for increase over and above the prices/wages prevailing at the time of the last stipulated date of receipt of tenders including extensions, if any, for the work during contract period including the justified period extended under the provisions of clause 5 of the contract without any action under clause 2, shall be payable which shall be limited to the prices/wages prevailing at the time of stipulated date of completion or as prevailing for the period under consideration, whichever is less. This clause shall not be applicable where clause
<ul> <li>32.9 Clause 10(CA) of Forms no. CPWD 7 and 8</li> <li>(1) Clause 10CA provides</li></ul>	<ul> <li>10CC is applicable.</li> <li>32.9 Clause 10(CA) of Forms no. CPWD 7 and 8 <ul> <li>(1) Clause 10CA provides</li></ul></li></ul>

applicable and nearest s	similar material shall be	shall be followed. Ir	n case, for a particular	
indicated in schedule F of GCC while finalizing		material, price indices is not being published by		
NIT of a work as illustrated below.		Ministry of Commerce and Industry, the price indices of nearest similar material shall be		
			ls for which this clause is	
			similar material shall be	
		**	of GCC while finalizing	
		NIT of a work as illustrate		
Clause 10 CA		Clause 10 CA		
Material covered under	Nearest material for	Material covered under		
this clause	which All India Whole	this clause	then Cement	
	sale Price Index is to be followed		reinforcement bars and structural steel	
1. Cement	Cement		for which All India	
2. Steel	Steel (bar & rods)		Whole sale Price Index	
3. Barbed Wire	Steel Wire		is to be followed	
4			1	
			2	
		1. Com 1	2	
		<ol> <li>Cement</li> <li>Steel reinforce ment</li> </ol>	34	
		bars	5	
		3. Structural steel		
		4		
		5		
(3) The base price for cement and steel is issued regularly by the Directorate. ADGs shall intimate the Directorate about inclusion of any material other than cement and steel so that base price and All India Whole Sale Price indices of such materials may also be issued by Directorate on regular basis thereafter. In the contract where clause 10 CC is applicable, this clause shall not be operational. For materials covered under clause 10 CA, price variations under clause 10 C shall not be applicable.		(3) The base price for cement, steel reinforcing bars and structural steel for Delhi including Noida, Gurgaon, Faridabad and Ghaziabad shall be issued by Director General (Works) and for other places shall be issued by concerned Zonal Chief Engineer. Base prices for other materials covered under clause 10CA shall be issued by concerned Zonal Chief Engineer. This clause shall be applicable for all the contracts.		
32.10 Clause 10(CC) of 18	Forms no. CPWD 7 and	32.10 Clause 10(CC) of 2 8	Forms no. CPWD 7 and	
amount due to variations i and/or wages of labour i work (not for the mater rendered at fixed price in 10 and 34), subject to cert 2) Clause 10(CC) will b		<ol> <li>This clause provides for variation in contract amount due to variations in price of materials, POL and/or wages of labour required for execution of work (not for the materials supplied or services rendered at fixed price in accordance with clauses 10 and 34 and excluding materials covered under clause 10CA), subject to certain conditions.</li> <li>Clause 10(CC) will be applicable in contracts where the stipulated period for completion is more than 18 months.</li> </ol>		
	nuse 10(CC)or the period under	3) Payment under cla	or the period under	

4) Where provisions of clause 10CC are applicable.         32.10.1 Pre-determination of all components affecting clause 10(CC)         1) The components of materials, cement, steel, labour and P.O.L. for every work have to be predetermined and incorporated in the schedule 'E'. For this purpose, the works, shall be classified broadly as under:         (i) Building works including sanitary and water supply.         (ii) Building works including sanitary and water supply.         (iii) Bovelopment works.         (iii) Bovelopment works.         (vi) Large works.         (vi) Supplying and installation of machinery, like lifts, sub-stations, purp sets etc.         (iii) Bovelopment works:         (vi) Supplying and installation of machinery, like lifts, sub-stations, purp sets etc.         2) In the case of	consideration whichever is lesser.			consideration wh	ichever is less	ser.		
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sewerage		0.004	100/			90%	10%	-
External       95%       5%       -         water       supply       -       Bridgework/       70%       25%       5%         Bridgework/       70%       25%       5%       flyover works       5%         * Further break up may be worked out.       3) The above percentagethe detailed estimate.       * Further break up may be worked out.       3) The above percentagethe detailed estimate.         4) In respect of carriagepercentage components.       32.10.2 Calculation of escalation/de-escalation       3) The contractor shall prepare Book shall be the criterion.       4) In respect of carriagepercentage components.         2) The Executive Engineer       Book shall be the criterion.       1) The contractor shall prepare respect of each work.         3) The Executive Engineer       worked out as       3) The Executive Engineer worked out as		90%	10%	-	- · ·			
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(a) Gross value of work done upto this	(a) Gross value of work done upto this
quarter(A)	quarter(A)
(b) Gross value of work done upto the last	(b) Gross value of work done upto the last
quarter(B)	quarter
(c) Gross value of work done since previous	(c) Gross value of work done since previous
quarter: (A – B(C)	quarter: $(A - B \qquad \dots \dots$
(d) Full assessed value of secured advance fresh	(d) Full assessed value of secured advance fresh
paid in this quarter(D)	paid in this quarter(D)
(e) Full assessed value of secured advance	(e) Full assessed value of secured advance
recovered in this quarter(E)	recovered in this quarter(E)
(f) Full assessed value of secured advance for	(f) Full assessed value of secured advance for
which escalation is payable in this quarter: (D – E)(F)	which escalation is payable in this quarter: (D – E)(F)
(g) Advance payment made during the quarter	(g) Advance payment made during the
(g) The value of pulyment made during the quarter(G)	quarter(G)
(h) Advance payment recovered during the	(h) Advance payment recovered during the
quarter(H)	quarter(H)
(i) Advance payment for which escalation is	(i) Advance payment for which escalation is
payable in this quarter: $(G - H)$ (I)	payable in this quarter: $(G - H)$ (I)
(j) Extra item deviated quantities of agreement	(j) Extra item deviated quantities of agreement
items paid as per clause 12 based on prevailing	items paid as per clause 12 based on prevailing
market rate during this quarter(J)	market rate during this quarter(J)
$\mathbf{M} = \mathbf{C} + \mathbf{F} + \mathbf{I} - \mathbf{J}$	$\mathbf{Q} = \mathbf{C} + \mathbf{F} + \mathbf{I} - \mathbf{J}$
$\mathbf{N} = 0.85 \ \mathbf{M}$	$\mathbf{R} = 0.85 \ \mathbf{Q}$
(k) Less cost of materials supplied by the	(k) Less cost of materials supplied by the
department as per clause 10 & recovered	department as per clause 10 & recovered
during the quarter(K)	during the quarter(K)
(l) Less cost of services tendered at fixed charges	(l) Less cost of services tendered at fixed charges
as per clause 34 & recovered	as per clause 34 & recovered
during the quarter(L)	during the quarter(L)
	(m) Cost of work for which escalation/de-
	escalation is applicable(M) m) Less cost of Cement – Quantity of cement
	brought at site for bonafide use in the work
	during the quarter X Base Price of Cement :
	(M)
	n) Less Cost of reinforcement bars –
	Quantity of reinforcement bars brought at site
	for bonafide use in the work during the quarter
	X Base Price of reinforcement bars: (N)
	o) Less cost of structural Steel –
	Quantity of Structural Steel brought at site for
	bonafide use in the work during the quarter X
	Base Price of Structural Steel : (0)
	p) Less cost of other material covered under
	clause 10CA –
	Quantity of such Material/Materials brought at
	site for bonafide use in the work during the
	quarter covered under clause 10CA X Base
	Price of such Material/Materials : (P)
(m) Cost of work for which escalation/de-	Cost of work for which escalation/de-escalation is
escalation is applicable	applicable
W = N - (K + L)	$W = \mathbf{R} - (K + L) - (\mathbf{M} + \mathbf{O} + \mathbf{P})$

4) All India Wholesale Price Index for civil	4) All India Wholesale Price Index for civil
Executive Engineers under their	Executive Engineers under their
jurisdiction.	jurisdiction.
5) Copies of all sanctions issued by	5) Copies of all sanctions issued by
accepted by the Chief Engineer.	accepted by the Chief Engineer.

- sd -Superintending Engineer

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