



CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/143

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 5.2.2007

Sub : Mobilization Advance : Contradictions in GCC and CPWD Works Manual 2003 regarding.

It has come to notice of the Directorate that provisions contained in CPWD Works Manual 2003 regarding Mobilization advance are at variance from those contained in General Conditions of Contract. In order to remove the disparities, following amendments are made in CPWD Works Manual 2003;

Item	Existing	Modified
Para 31.6	<p>In respect of certain specialized and capital-intensive works costing not less than Rs. 2.00 crores, mobilization advance limited to a maximum of 10 % of the estimated cost put to tender or tendered value or Rs. One Crore, whichever is less, at 10 % simple interest shall be sanctioned to the contractors in specific request as per term of the agreement :</p> <p>(i) Chief Engineers should use their discretion carefully in deciding whether any particular work shall be considered as specialized or capital intensive work.</p> <p>(ii) The mobilization advance shall be against a Bank Guarantee of a Scheduled Bank for the full amount of advance. The advance should be</p>	<p>In respect of certain specialized and capital-intensive works with estimated cost put to tender Rs. 2.00 crores and above, provision of mobilization advance may be kept in the tender documents. Chief Engineers should use their discretion carefully in deciding whether any particular work shall be considered as specialized or capital intensive. Applicability or otherwise of relevant clause of GCC shall be clearly indicated in Schedule 'F', while finalizing NIT of a particular work.</p> <p>(i) The Mobilization advance limited to 10 % of tendered amount at 10 % simple interest can be sanctioned to the contractors on specific request as per term of the contract.</p> <p>(ii) The mobilization advance shall be against a Bank Guarantee of a Scheduled Bank for the full amount of advance. The advance should be released in not less than</p>

	<p>released in not less than two installments. The interest of the advance shall be calculated from the date of payment to the date of recovery, both days inclusive.</p> <p>(iii) The recovery should be made after the 10 % of work is completed and the entire amount together with interest shall be recovered by the time 80 % of the work is completed.</p>	<p>two installments. The interest of the advance shall be calculated from the date of payment to the date of recovery, both days inclusive.</p> <p>(iii) The recovery should be made after the 10 % of work is completed and the entire amount together with interest shall be recovered by the time 80 % of the work is completed.</p> <p>(iv) Executive Engineer is authorized to sanction upto 50 % of the advance or Rs. 20 lakh, which ever is lower. Balance advance can be sanctioned by the Executive Engineer with prior approval of the Superintending Engineer.</p>
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Corresponding changes in General Conditions of Contract are being issued separately.

Superintending Engineer(C&M)

Issued from File No. CSQ/CM/M/30(17)/2006
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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/144

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 13.3.2007

Subject : New Advertisement policy – Clarification on.

Directorate of Advertising & Visual Publicity, Ministry of Information & Broadcasting has circulated new advertisement policy vide their No. AE(G)/NAP/2006 dated 19.7.06, according to which all tender notices are to be published through DAVP only.

The matter has been reviewed in the Directorate and it has been decided that the Department will follow its laid down guidelines in sending tender notices directly to the press depending on urgency of the work as per provisions of CPWD Works Manual, 2003. All the Units at CE level may write to DAVP seeking their concurrence/written commitment that for urgent matters DAVP will print the advertisement in papers **within 3 days** of receipt of request from CPWD through Fax, else the Department will continue to go ahead with advertisement direct to press to meet the time limits fixed by client and as per exigencies of the work.

Superintending Engineer(C&M)

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/145

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 23.5.2007

Sub: Delegation of enhanced powers to the CEs & ADGs to accept /challenge the arbitral award.

1. As per Circular No.TLC-34 issued vide No.SE(TLC)/CSQ/Cir-2001/269 dated 17.10.01, it was decided that the CEs and ADGs will exercise powers to challenge the awards upto Rs.7 lakh and 20 lakh respectively (i/c corresponding interest) in consultation with the Ministry of Law.
2. It also specified that the decision about accepting or challenging the arbitral award in whole or part shall be taken either by the CE when the award amount i/c interest is upto Rs.7 lakh or, by the ADG when the award amount including interest is more than Rs. 7 lakh but not more than Rs. 20 lakh or, by the DG(W) when the award amount i/c interest is more than Rs.20 lakh.
3. However a note was given below the 'Time Schedule for Submission of Cases' on page 2 of the Circular No.TLC-34, which read as under:
"The authority competent to accept or challenge the award will have to consult the Ministry of Law before taking a decision."
4. In partial supersession of the above it has now been decided that the acceptance/challenge of Arbitration award shall be regulated by the competent authority as under:
 - (i) **When, in the opinion of CE/ADG/DG(W) the award is just and reasonable and there are no grounds to challenge, the case need not be referred to the Sr. Counsel/Min. of Law for their advice. However if considered necessary, CE can refer the matter to Sr.Counsel, C.P.W.D./ Min. of Law (either Delhi or Local Branch) before accepting/ recommending for acceptance of the award.**

- (ii) **Where, in the opinion of CE/ADG/DG(W), there are good grounds available to challenge the award (whole or part of the award), Min. of Law should be consulted by the competent authority before taking a decision.**

5. Since the financial powers for acceptance or challenge of the awards are to be exercised as per the Directorate's O.M. No.DGW/MAN/129 dated 30.12.05, item No.10 of the Annexure attached with the above O.M. dated 30.12.05, which mentions only the powers for "Acceptance of awards" is modified and shall be read as under in conjunction with 4(i) & (ii) above.

Sl. No.	Nature of Power	Designation	Power
10.	Acceptance/challenge of arbitration awards	DGW ADG CE	Full powers 30 lakh 10 lakh

Foot notes (i) & (ii) under Item No.10 stand deleted.

6. Further para (4) of circular No. TLC-34, dated 17.2.2001 is partially modified as under:

Limitaion vide section 34(3) of Arbitration Act 1996:- An application for challenging the award may not be made after 3 months have elapsed from the date of receipt of award or, if a request had been made under Section 33, from the date on which such request had been disposed of by the Arbitrator. Provided that if the Court is satisfied that the Applicant was prevented by sufficient cause from making application within the said period of 3 months, *it may entertain the application within a further period of 30 days, but not thereafter.* In view of this specific provision of Section 34(3) of the Arbitration Act, the following Time Schedule will be strictly followed:

Time Schedule for Submission of Cases.

Sl. No.	Award amount i/c interest to be accepted or challenged	By EE to SE	By SE to CE	Action by CE
1	Upto Rs.10 lakh	30 days from the date of receipt of award or from the date of disposal of application filed u/s 33 of Arbitration Act.	10 days. The SE shall offer his specific comments about acceptance or challenging award against each claim.	The CE will take decision about accepting or challenging the award within 30 days after receipt of case from SE.

2	Above Rs.10 lakh & up Rs.30 lakh	15 days from the date of receipt of award or from the date of disposal of application filed u/s 33 of Arbitration Act.	5 days. The SE shall offer his specific comments about acceptance or challenging award against each claim.	The CE will submit the case to his ADG within 10 days of receipt from SE with his specific comments about accepting/challenging award against each claim.
3	Above Rs.30 lakhs	-do-	-do-	Within 10 days of receipt of the case from SE, the CE will submit the case to the DG(W) under intimation to his ADG who will send his comments to DG(W) within 10 days.

Assuming that it takes about a month in the ADG or DG(W)'s office to take decision, even then the EE will have at least 15 days to prepare grounds and file application in the competent court, if the decision is to challenge the award.

This O.M. supersedes the provisions of Circular No.TLC-34 dated 17.10.2001 and S.No. 10 of annexure to O.M. No. DGW/MAN/129 dated 30.12.05.

Superintending Engineer(C&M)

**Issued from file No.CSQ/CM/M/19(1)/2005
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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/146

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 12.7.2007

Sub : Guidelines for preparation & submission of estimates for original works.

The issue of preparation and submission of estimates to various client departments/organizations, where A/A & E/S is to be accorded by them has been examined in the Directorate. It has been noticed that a large number of estimates are sent by various units for which adequate projection of funds etc. is not made. Further, instead of sending a comprehensive estimate covering all the works pertaining to different disciplines, these are sent separately for individual discipline.

After examining the issue, following guidelines are laid down in this regard.

1. No estimate, irrespective of any value shall be sent by the Sub-Division directly to the client.
2. Estimates solely for Civil, Elect, Horticulture works up to the value for which E.E./S.E/C.E is competent to accord technical sanction, shall be sent at the Divisional/Circle/Zone level respectively.
3. Estimates for works requiring input from more than one division and/or more than one discipline and having total estimated cost upto the powers of S.E for accord of technical sanction, shall be sent only at the Circle level. The Superintending Engineer in charge of major discipline, of work will send the consolidated estimate after obtaining input from all concerned units. Copy of such estimates shall be sent to the concerned Divisions & Superintending Engineer of the other disciplines as well.

4. For all major works beyond the limit under S.No. 3 above, only single estimate covering all aspects of building and services will be sent through concerned Chief Engineer (Civil) or Chief Engineer of the unified Zone, except works which are predominantly of E&M nature for which estimate shall be sent by CE(E) or CE of the unified zone as the case may be.
5. While sending the estimates it shall be made clear to the client department that execution of the works will depend upon the receipt of the funds through authorization or through allocation well in time during the financial year so that the funds could be utilized during the financial year.
6. Works for which sanctions are received after the month of November should be taken up for actual execution in the next financial year and the client departments should be informed accordingly so that necessary budget etc. can be arranged by them for the Financial Year in which works are to be executed.
7. In respect of maintenance operations for buildings other than those in general pool the concerned departments should be requested to give a complete list of works required to be carried out and estimates given to them latest by the month of April so that sanctions can be conveyed by them by month of June.

While forwarding such estimates, it must be made clear to the client department that allotment of funds under the Head of Account “ 2059 – other buildings” and “2216 – other Building” are meant primarily for day to day repairs and payment of labour etc.

This issues with the approval of DGW

Superintending Engineer(C&M)

Issued vide file No. CSQ/CM/M/30(11)/2007
As per mailing list attached overleaf



CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/147

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 10.9.2007

Sub : Grievances Redressal Mechanism.

Issue of setting up a mechanism for redressal of public grievances relating to maintenance as well as original works has been examined in the Directorate.

It has been decided to create the following mechanism for handling of grievances :-

a) Original works

1. For work costing less than Rs. 1 crore - S.E(P) of the Zone shall be designated as the Grievance Officer.
2. For works costing more than Rs. 1 Crore – Director (Works) of the Region shall be designated as the Grievance Officer. For works under ADG(S&P) & ADG(TD), Director (P&WA) in the directorate and the works of Border Region, S.E(P) BFR shall be the Grievance Officer.

b) Maintenance Works :

1. AE(HQ) of the Circle shall be designated the grievance officer for all maintenance related complaints.
2. Appellate authority in such cases shall be the E.E(MIS)/designated E.E(P) of the Zone.

The telephone numbers and e-mail address of the officers so designated shall be displayed on all concerned service centres and the CPWD SEWA web site. Issues relating to improper service or non- adherence to laid down parameters shall be brought to the notice of these officers who can intervene and get issues resolved. A monthly summary of grievances shall be submitted by these officers to the concerned S.E/CE.

All Chief Engineers (Civil & Elect.)/DDG(Hort.) may take immediate necessary action to put in place the grievance redressal mechanism and bring this to the notice of all concerned.

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/148

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 12.10.2007

Sub :Scrutiny and authentication of structural design/drawings prepared by consultants.

Vide DG(W) office letter No. 18/6/97-WI(DG) dated 23.4.1999, it was enjoined upon all the field officers to ensure that structural drawings prepared by Consultants are adopted for execution only when these have been duly approved by the concerned SSW/SE(P&A),SE/EE as the case may be.

However, it has been observed that for the projects, where structural designs are done by consultants and further proof checked by some other consultant like SPA, IIT, Delhi College of Engineering etc. the drawings are being issued for execution without any acceptance of competent authority thereby giving no authenticity to the structural safety of the structures. Therefore even if when design/drawings have been proof checked, the same needs to be accepted by SE(P&A), PM,Se or EE as the case may be, to accord authenticity of the drawings as 'Good for construction'.

Superintending
Engineer(C&M)

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/149

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 22.10.2007

Sub : SITC of Diesel Generating Sets.

In the recent past, there had been an incidence of power failure at one of the VVIP complexes in New Delhi. During this incidence, standby Diesel Generating Set could not be switched on in time due to fault in AMF panel. The contractor who did the work of installation of DG Set was not having technical infrastructure to recommission the set immediately.

The matter was got investigated and as a result of the detailed enquiry some important points have merged which need to be taken care of in general, for all such type of installations in the department to ensure faults do not crop up in future by taking necessary preventive action in time.

1. The basic requirements like approval of drawings, circuit diagrams of various components should not be waived off. Complete DG Set including all accessories and mounting including AMF shall be procured through OEM only. OEM should also certify, after completion of work, that the installation has been done properly and is in order. Suitable conditions in NIT should be incorporated to this effect.
2. The inspection and testing of DG Set (s) at the OEM's works should invariably be done, before dispatch to site and should be not waived off, unless there is some emergent requirement for which written approval should normally be obtained from Superintending Engineer(E)
3. The work of supply installation testing and commissioning of DG Set of individual capacity more than 320 KVA and above should be got directly executed through OEM only. The work of SITC of DG Sets of all capacities to be installed in VVIP installation should also be got done through OEM only. The approval of ADG of the region is to be obtained to declare any installation as VVIP installation.
4. The routine qualification of the staff employed by contractors engaged for the operation and maintenance of DG Set should be in accordance with requirement of CPWD Manual Volume –III. Suitable clause in this regard must be

incorporated in tender documents. It must also be ensured that within a month of award of such works, the workers are trained at OEM's works.

5. Major repairs/maintenance of the DG Set and connected equipment should be got done through OEM/Manufacturers only.

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/MAN/150

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED: 14.12.2007

Sub: Increase in contractor's Profit and Overheads to 15%

Presently an element of contractor's Profit and Overheads @ 10% is being adopted over cost of labour/material in Delhi Analysis of Rate of CPWD, This practice is being followed since long. Over the years substantial changes have taken place in construction techniques and construction environment resulting in substantial increase in inputs due to cost of higher technical manpower, computerization, mechanization, Quality Assurance setup, stringent environment norms and stringent contract conditions regarding higher EM, SD & PG etc.

Proposal for increase in the element of Contractor's Profit and Overheads was referred to Ministry of UD long back who in turn had sought the concurrence of Ministry of Finance. The matter was deliberated at length by CPWD and finally Secretary (Expdr.)(MoF) after discussion with DG(W), CPWD opined that revision of Contractor's Profit and Overheads is the prerogative of the authority approving Schedule of Rates and their Analysis etc.. However, similar provisions made by other engineering organizations in this regard may also be considered while firming up the revised Contractor's Profit and Overheads.

Accordingly this issue was discussed in a meeting convened by DG(W), CPWD with MES, DDA and MOSRTH. Based on the inputs received from these organizations and their recommendations it has been decided by DG(W) to enhance the element of Contractor's Profit and Overheads from 10% to 15% (7.5% + 7.5%).

This increase in Contractor's Profit and Overheads shall be followed in evaluating the cost of work and for preparation of Analysis of Rates for DSR items with immediate effect.

Superintending Engineer (C&M)

Issued from file no.CSQ/CM/18(7)2005

Copy to:

1. Smt. Meena Agarwal, JS(P), Min. of Finance with ref. to DG(W) UO No CSQ/CM/C/18(7)2005 dated 4.12.07.
2. Director (Works), MoUD with ref. to this office UO No.CSQ/CM/C/18(7)2005 dated 4.12.2007.
3. As per mailing list:

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/CON/231

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED

5.4.2007

Subject: Modification to O.M. No. DGW/CON/223.

In partial modification, provisions circulated under O.M. No. DGW/CON/223 dated 23.11.06 stand modified as under:-

Existing	Modified
<p>Page 32 of GCC 2005 as amended vide O.M. No. DGW/CON/223 dt. 23.11.06 (last para, page 6)</p> <p>LI - Minimum wage in rupees of an unskilled adult male mazdoor, fixed under any law, statutory rule or order as applicable on the last date of the quarter previous to the one under consideration. (In respect of the justified period extended under the provisions of clause 5 of the contract, without any action under clause 2, the <i>index</i> prevailing on the last date of quarter previous to the quarter pertaining to the stipulated date of completion or the <i>index</i> prevailing on the last date of the quarter previous to the one under consideration, whichever is less, shall be considered.</p>	<p>Page 32 of GCC 2005</p> <p>LI - Minimum wage in rupees of an unskilled adult male mazdoor, fixed under any law, statutory rule or order as applicable on the last date of the quarter previous to the one under consideration. (In respect of the justified period extended under the provisions of clause 5 of the contract, without any action under clause 2, the <i>minimum wage</i> prevailing on the last date of quarter previous to the quarter pertaining to the stipulated date of completion or the <i>minimum wage</i> prevailing on the last date of the quarter previous to the one under consideration, whichever is less, shall be considered.</p>

Superintending Engineer(C&M)

Issued from file No. CSQ/CM/C/29(8)/2005

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/CON/232

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 17.10.2007

Subject: Enlistment Rules 2005 – Amendment of para 11.1 of the Rules.

Provisions of para 11.1 of Enlistment Rules 2005 stand modified as under:-

Existing provision of para 11.1	Modified para 11.1
11.1 The criterion for experience, in case of enlistment, shall be the completion of requisite number of works, as the case may be, of prescribed nature and magnitude executed on independent contract basis or as a builder during the last five years. The works should have been executed in the same name and style in which enlistment is sought. Enlistment of an individual in corresponding category may also be done based on his technical qualification in lieu of experience of completion of works in last 5 years but other eligibility criteria remaining the same.	11.1 The criterion for experience, in case of enlistment, shall be the completion of requisite number of works, as the case may be, of prescribed nature and magnitude executed on independent contract basis or as a builder during the last five years. The works should have been executed in the same name and style in which enlistment is sought. Enlistment of an individual in corresponding category may also be done based on his technical qualification in lieu of experience of completion of works in last 5 years <u>if provision exists in Table I of the Rules</u>, but other eligibility criteria remaining the same.

Works Manual stands amended accordingly.

Superintending Engineer (C&M)

Issued from file No. CSQ/CM/C/18(5)/2007

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CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No.DGW/CON/233

ISSUED BY AUTHORITY OF DIRECTOR GENERAL OF WORKS

NIRMAN BHAVAN, NEW DELHI

DATED 17.12.2007

Subject: Price preference to contractors belonging to SC/ST for award of contracts in respect of works in Central Public Works Department - Extension upto 31.12.2009

In continuation to this Directorate O.M. No. DGW/CON/220 dt. 2.3.06, the concessions admissible to the contractors belonging to SC/ST have been reviewed by the Ministry of Urban Development and the same have been revised as under:-

1. For works upto an estimated cost of Rs. 1.25 lakh, a price preference upto 5% (**with reference to the lowest valid price bid**) may be allowed in favour of individual SC/ST contractors. In such cases, tenders may be entertained even from non-registered contractors. No earnest money is required in such cases.
2. For works of estimated cost ranging from Rs. 1.25 lakh to Rs. 3 lakh, tenders may be obtained only from registered contractors. The price preference upto 5% (**with reference to the lowest valid price bid**) may be allowed in favour of individual SC/ST contractors. However, earnest money at a reduced rate of ½% may be accepted in such cases.
3. In all such cases, the above concessions shall be allowed only after proper verification of the individual contractor's claim of belonging to SC or ST community, as the case may be.

These concessions will be admissible upto 31.12.2009. CPWD Works Manual stands amended accordingly.

This issues with the concurrence of Finance Division of Ministry of UD.

Superintending Engineer (C&M)

File No. CSQ/CM/18/2/98

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