

പതിനാലാം കേരള നിയമസഭ

പതിനാറാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നം. 1134 31.10.2019 ൽ മറുപടിക്ക്

ടെൻഡർ ഇല്ലാതെ സർക്കാർ അംഗീകൃത ഏജൻസികൾക്ക് നൽകിയ പ്രവൃത്തികൾ

ചോദ്യം

ഉത്തരം

ശ്രീ. പി.കെ.ബഷീർ

ശ്രീ. ജി.സുധാകരൻ

(പൊതുമരാമത്തും രജിസ്ട്രേഷനും വകുപ്പ് മന്ത്രി)

എ) ഈ സർക്കാർ അധികാരത്തിൽ വന്നശേഷം പൊതുമരാമത്ത് വകുപ്പിന്റെ ഏതെല്ലാം പ്രവൃത്തികളാണ് ടെൻഡർ നടപടികളില്ലാതെ സർക്കാർ അംഗീകൃത ഏജൻസികൾക്ക് നൽകിയിട്ടുള്ളത്; പ്രസ്തുത പ്രവൃത്തികളുടെ പേരും തുകയും ഏജൻസികളുടെ പേരും ഉൾപ്പെടെയുള്ള വിശദവിവരം നൽകുമോ;

എ) പൊതുമരാമത്ത് പാലങ്ങൾ വിഭാഗത്തിന് കീഴിൽ പാലങ്ങളുടെ പരിസരം വൃത്തിയാക്കലും കാടുകൾ വെട്ടലും പ്രവൃത്തിക്കായി 7.39 ലക്ഷം രൂപ ടെണ്ടർ നടപടികളില്ലാതെ നൽകിയിട്ടുണ്ട്.

ദേശീയപാത വിഭാഗത്തിന്റെ കീഴിൽ താമരശ്ശേരി ചുരത്തിലെ നിർമ്മാണ പ്രവൃത്തികൾ (1.86 കോടി രൂപ) ഊരാളുകൽ ലേബർ സൊസൈറ്റിയെ ടെണ്ടർ നടപടികൾ ഇല്ലാതെ ഏല്പിച്ചിട്ടുണ്ട്. പൊതുമരാമത്ത് വകുപ്പിന്റെ മറ്റു പ്രവൃത്തികൾ ഈ സർക്കാർ നൽകിയിട്ടില്ല.

ബി) വകുപ്പിന്റെ പ്രവൃത്തികൾ ടെൻഡറില്ലാതെ ഇത്തരം ഏജൻസികൾക്ക് നൽകുന്നതുമൂലം വകുപ്പിന് എന്ത് നേട്ടമാണുള്ളത്; എങ്കിൽ ഇതിന്റെ വിശദാംശം നൽകുമോ;

ബി) 2018 ആഗസ്റ്റ് മാസം ഉണ്ടായ തുടർച്ചയായ മഴയിൽ ദേശീയപാത 766 താമരശ്ശേരി ചുരത്തിലെ 8 മീറ്റർ ഉയരമുള്ള കരിങ്കൽ സംരക്ഷണ ഭിത്തി 50 മീറ്റർ നീളത്തിൽ പൂർണ്ണമായും തകർന്ന് നിലം പതിക്കുകയും അപകട സാഹചര്യം സൃഷ്ടിക്കുകയും ചെയ്തിട്ടുള്ളതിനാലും വലിയ തോതിൽ ഗതാഗതം തടസ്സപ്പെടുകയും വനഭൂമി വെട്ടി നിരത്തി താല്ക്കാലികമായി ഒറ്റ വരിയിൽ ഭാര വണ്ടികൾ ഒഴികെയുള്ളവ മാത്രം കടത്തി വിടേണ്ടി വന്ന ചുരത്തിലെ പ്രത്യേക സാഹചര്യം കണക്കിലെടുത്തും പ്രവൃത്തിയുടെ അടിയന്തര പ്രാധാന്യം പരിഗണിച്ചും ടെണ്ടർ നടപടികൾ കാലതാമസം ഉണ്ടാക്കുമെന്നതിനാലും പ്രവൃത്തികൾ അതിവേഗത്തിൽ നടപ്പിലാക്കുന്നതിനായി ടെണ്ടർ നടപടികൾ ഒഴിവാക്കി അക്രഡിറ്റഡ് ഏജൻസിയായ ഊരാളുകൽ ലേബർ കോൺട്രാക്ട് സൊസൈറ്റിയെ ഏൽപ്പിച്ച് നടപ്പിലാക്കാൻ മന്ത്രിസഭാ തീരുമാന പ്രകാരം G.O(Rt) No. 1264/2018/PWD, dated 13.08.2018 പ്രകാരം സർക്കാരിൽ നിന്നും

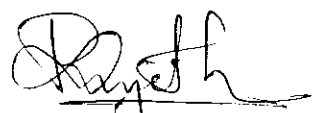
ഭരണാനുമതി നൽകുകയും അതിൻപ്രകാരം ദേശീയപാത വിഭാഗം ചീഫ് എഞ്ചിനീയർ സാങ്കേതികാനുമതി നൽകുകയും, പദ്ധതി പൂർത്തീകരിക്കുകയും ചെയ്തിട്ടുള്ളതാണ്.

അക്രഡിറ്റഡ് ഏജൻസികൾക്ക് പ്രവൃത്തികൾ നൽകുന്നതു സംബന്ധിച്ച മാനദണ്ഡങ്ങൾ ധനകാര്യ വകുപ്പിന്റെ G.O(P) No. 311/14/Fin തീയതി 30.07.14 ലും G.O(P) No. 107/16/Fin തീയതി 27.07.2016 ലും വ്യക്തമാക്കിയിട്ടുണ്ട്. ഉത്തരവിന്റെ കോപ്പികൾ ഉള്ളടക്കം ചെയ്യുന്നു.

പൊതുമരാമത്ത് ദേശീയപാത, കെ.എസ്.ടി.പി വിഭാഗങ്ങളുടെ പരിധിയിൽ കരാർ വ്യവസ്ഥകൾക്ക് വിധേയമായി മൊബിലൈസേഷൻ അഡ്വാൻസ് നൽകിയിട്ടുള്ള പ്രവൃത്തിയുടെ വിശദാംശങ്ങൾ അനുബന്ധം ആയി ചേർക്കുന്നു.

ദേശീയപാതയുടെ പ്രവൃത്തികൾ MoRTH ന്റെ വ്യവസ്ഥകൾ പ്രകാരമാണ് ചെയ്യുന്നത് എന്നതിനാൽ അവരുടെ കരാറിൽ തന്നെ മൊബിലൈസേഷൻ അഡ്വാൻസ് സംബന്ധിച്ച വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തിയാണ് കരാർ വയ്ക്കുന്നത്.

KSTP ഉൾപ്പെടെയുള്ള ലോകബാങ്ക് പ്രവൃത്തികൾക്കും മൊബിലൈസേഷൻ അഡ്വാൻസ് സംബന്ധിച്ച വ്യവസ്ഥകൾ കരാറിൽ തന്നെ ഉൾപ്പെടുത്തിയിട്ടുള്ളതാണ്. എന്നാൽ സംസ്ഥാന പൊതുമരാമത്ത് പ്രവൃത്തികളിൽ മൊബിലൈസേഷൻ അഡ്വാൻസ് നൽകുന്നതു സംബന്ധിച്ച വ്യവസ്ഥകൾ സാധാരണയായി ഉൾപ്പെടുത്താറില്ല. അതുകൊണ്ടു തന്നെ സംസ്ഥാന പൊതുമരാമത്ത് പ്രവൃത്തികൾക്ക് ഈ സർക്കാർ അധികാരത്തിൽ വന്നതിനു ശേഷം മൊബിലൈസേഷൻ അഡ്വാൻസ് നൽകുന്നതിന് സർക്കാർ പ്രത്യേക ഉത്തരവുകളൊന്നും നൽകിയിട്ടില്ല. ലോകബാങ്ക്, ദേശീയപാത എന്നിവ സംസ്ഥാന PWD യുടേതല്ലാത്തതിനാൽ അതിൽ സംസ്ഥാന PWD യ്ക്ക് പങ്കില്ല.

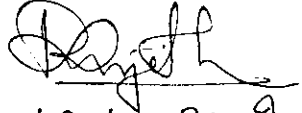

സെക്ഷൻ ഓഫീസർ

- സി) അക്രഡിറ്റഡ് ഏജൻസികൾക്ക് പ്രവൃത്തികൾ നൽകുന്നതിനുള്ള മാനദണ്ഡം എന്തെല്ലാമാണ്; ഓരോ പ്രവൃത്തിക്കും ഏജൻസികളെ തിരഞ്ഞെടുക്കുന്നതിനുള്ള നടപടിക്രമങ്ങൾ ഉൾപ്പെടെയുള്ള വിശദാംശം നൽകുമോ;
- ഡി) പൊതുമരാമത്ത് വകുപ്പിൽ ഈ സർക്കാർ അധികാരത്തിൽ വന്നശേഷം വിവിധ പദ്ധതികൾക്ക് മൊബിലൈസേഷൻ അഡ്വാൻസ് നൽകിയിട്ടുണ്ടോ; എങ്കിൽ ഏതെല്ലാം പ്രവൃത്തികൾക്ക് ഏതെല്ലാം ഏജൻസികൾക്ക്/കമ്പനികൾക്ക് എത്ര തുക വീതം നൽകിയെന്ന് വ്യക്തമാക്കുമോ?

സി)

പ്രൊജക്ട് നമ്പർ: 199	അടവ് പൂർണ്ണമായിട്ടുണ്ട്	M/S EKK & Co	2,90,000/-
പ്രൊജക്ട് നമ്പർ: 2017	അടവ് പൂർണ്ണമായിട്ടുണ്ട്	M/s Deens Constructions	86,94,000/-
പ്രൊജക്ട് നമ്പർ: 2017	അടവ് പൂർണ്ണമായിട്ടുണ്ട്	M/s Deens Constructions	94,72,485/-

പാക്കേജ് - IIA	തലശ്ശേരി കളറോഡ്	M/s.Dinesh Chandra R Agrawal Infracon Pvt. Ltd.	75,000,000/-
പാക്കേജ് - IIB	കളറോഡ് വളവുപാറ	M/s. GHV-EKK (JV)	104,842,442/-
പാക്കേജ് - IVA (Balance work)	തിരുവല്ല ബൈപാസ്	M/s. GHV(india)Pvt. Ltd.	18,519,382/-
മാതൃകാ സുരക്ഷിത ഇടനാഴി	കഴഞ്ചിട്ടം - അടൂർ	M/s. GHV-EKK (JV)	73,336,937/-


 റോമൻസ്മിൾ റോമൻസ്മിൾ



GOVERNMENT OF KERALA

Abstract

Finance Department – Execution of public works through Government accredited agencies - Modified guidelines – Orders issued - Regarding

FINANCE (INDUSTRIES & PUBLIC WORKS - B)) DEPARTMENT

G.O(P)No.107/2016/Fin

Dated, Thiruvananthapuram, 27/07/2016

- Read: 1. G.O (P) No 408/2007/Fin, dated 07.09.2007
2. G.O (P) No. 311/2014/Fin, dated 30.07.2014
3. G.O (Ms) No.423/2014/Fin, dated 26.09.2014
4. G.O (P) No.339/2015/Fin, dated 07.08.2015
5. G.O (P) No. 453/2015/Fin dated 09.10.2015

ORDER

Government vide order referred 2nd above issued revised guidelines for selection of accredited agencies for the execution of public works, modifying the orders issued vide reference first cited. As per the revised guidelines, the accreditation will be given based on prevailing work management system, bid capacity, strength of technical manpower, geographical spread of units and experience in executing various public works. Government vide reference third cited constituted a committee headed by Secretary (Finance Expenditure) with the Chief Technical Examiner, Chief Engineer, PWD (Buildings) and Head, Department of Civil Engineering, Government Engineering College, Trivandrum as member to advise Government on selection and accreditation of agencies authorized to execute public works. As per the Government order 4th & 5th cited eighteen Agencies were given accreditation to execute public works.

2. The selection committee on accreditation conducted a detailed review on the functioning of the accredited Agencies and expressed concern over the quality of works executed by many of them. The committee is of the view that the economy and quality of public assets so created shall not be compromised while executing the works through accredited agencies. Based on the recommendation of the committee existing guidelines for selection of accredited agencies are modified as follows.

- (i) The modified criteria for evaluation to select accredited agencies are given in the Annexure- I of this Government Order.

- (ii) Based on the score secured in the evaluation the Agencies found eligible will be grouped under different slabs as shown below to determine the volume of work to be entrusted with them.

Evaluation scores (Total score 100)	Maximum value of a single work (Rs in Crore)	Total work at hand (Rs in Crore)
30-40	5	50
41-55	10	100
56-70	15	150
71-85	20	200
86 and above	25	250

- (iii) No agency securing score less than 30 will be eligible for accreditation. However, these Agencies can apply for accreditation after improving their capabilities after six months.
- (iv) Hereafter period of accreditation will be for an initial period of two years instead of 5 years fixed earlier.
- (v) The new Agencies shall submit application for accreditation in the revised proforma prescribed in Annexure – II.
- (vi) The Agencies already having accreditation shall also submit application for renewal of accreditation in the above proforma afresh.
- (vii) The defect liability period in respect of work executed by all accredited agencies will be five years.
- (viii) All other conditions prescribed in earlier orders will continue.

3. The revised guidelines will take effect from 1st August 2016 onwards.

(By Order of the Governor)

K.M. ABRAHAM

Additional Chief Secretary (Finance)

To

The Accountant General (A&E) Kerala, Thiruvananthapuram
The Accountant General (G&SSA) Kerala, Thiruvananthapuram
The Accountant General (E&RSA) Kerala, Thiruvananthapuram
All Heads of Departments/Offices
Private Secretary to Chief Minister
All Private Secretaries to Ministers
Private Secretary to the Leader of Opposition
All Secretaries to Government

The Secretary, Kerala Public Service Commission, Thiruvananthapuram

The Registrar, University of Kerala/Cochin/Kozhikode/Kottayam

The Registrar, High Court of Kerala

The Secretary, Kerala Human Rights Commission, Thiruvananthapuram

The Managing Director, Kerala State Road Transport Corporation,

Thiruvananthapuram

The Secretary, Kerala State Electricity Board, Thiruvananthapuram

The Secretary to Governor

All Secreteraiat Departments.

The Nodal Officer, www.finance.kerala.gov.in

Stock file/Office Copy

Forwarded by Order,



Section Officer

Annexure - I

The total score will be 100 as detailed below. The detailed guidelines for the computation of score under each segment has been framed separately.

- (1) **General details and Structure:-** This includes the agency registration details, legal status, place of business, organisational structure, details about the earlier accreditation such as category and period of accreditation .

The indicative score will be from 0 to 10.

- (2) **Resource availability :-** This includes project planning, designing, estimating, tendering, supervising and management of works executed.

The total score will be from 0 to 25 .

- (3) **Financial capacity:-** The financial capacity of the organisation like audited accounts/balance sheet, turnover for the last three years , details of assets owned by the applicant firm, sources of income etc will be assessed under this segment.

The total score will be from 0 to 30.

- (4) **Experience and Performance:-** Experience is a very critical factor in deciding the accreditation of agencies for entrusting public works. Expertise in execution of similar category of works is essential for an accredited agency so as to get the most economical output with compliance of Government procedures and related orders/rules.

Out of the total score of 35, performance will be given 20 scores and 15 for experience.

- (5) **Liabilities:-** The outstanding liabilities to Government/Bank/financial institutions, court cases pending, penalty imposed for poor quality of work or breach of contract during the last five years, whether blacklisted by any Government Department, details of allegations/complaints/ vigilance enquiries with respect to the Government works carried out by the firm/company if any etc. will be evaluated under in this section. The accreditation committee may judiciously review these aspects and reduce marks or disqualify the agency for accreditation based on this.

ANNEXURE - II

**PROFORMA FOR FURNISHING PROPOSALS FOR RENEWAL OF ACREDITATION
BEFORE THE SELECTION COMMITTEE**

Sl. No.	Item	Details to be filled by the Applicant
A	General details and Structure	
1	Registered name of the Agency	
2	Registration No. and address	
3	Year of registration	
4	Legal status(whether registered as per Companies Act, Societies Act etc.)	
5	Principal place of business	
6	Year of commencement of business	
7	Brief description of the Company including details of its main lines of business	
8	Name, designation, address and phone numbers of authorised signatory of the Applicant	Name: Designation: Company: Address: Phone No.: Fax No. : E-mail address:
9	Does the Applicant's firm/company combine functions as a consultant or adviser along with the functions as a contractor and/or a manufacturer? Yes/No	
10	Details of earlier accreditation	
	Government order No and Date	
	Period of accreditation allowed in years	
	Area of accreditation given	
	The maximum value of a single work that can be entrusted as per G.O (Rs. in Crores)	
	Maximum value of work in hand at a time as per G.O (Rs. in Crores)	
11	Organisational structure of the firm/company with details of permanent/sanctioned staff strength	
12	Whether the firm intends for subcontracting its assignment -Yes/No If Yes, give details of the type of works intends to be sub-contracted	
13	Geographical spread of the firm with details of branch offices etc.	

B	Resources	
1	Present details of staff in architectural, planning, technical, administration, financial, skilled and unskilled with qualification and experience with current engagement (The details of both technical and skilled staff are to be furnished with proof of qualification and experience. The nature of their employment and experience shall also be furnished. The firm should have at least one qualified architect with registration with the Council of Architecture and should have statutory license holders for taking approvals from local bodies)(attach details in separate sheets if needed)	
2	Does the Applicant intend to borrow or hire temporarily, personnel of specified skills for the performance of the Consulting Services? Yes/No If Yes, give details	
C	Financial Status	
1	Financial status of the firm/company - audited accounts/balance sheet for the past five years to be submitted (minimum three years to be submitted)	
2	Turnover of the firm/company for the past five years (minimum three years to be submitted)	
3	Value of work in hand	
4	Details of assets of the firm/company like land, buildings, etc.	
5	Sources of income of the firm/company	
D	Experience and Performance	
1	Details of experience in executing public works- details of major consultancy work executed from the year	
2	Value of consultancy works executed in each year during the last five financial years (updated to the 31.03.2016 price level, assuming 5% inflation for Indian Rupees every year) with number of years prescribed for the completion of such works	
3	Value of existing commitments (as of 31-3-2016) for on-going works	
4	Details of works in hand(not started) with nature, scope and amount of the	

	contract	
5	Performance after getting accreditation for one year(details shall *also be submitted by those agencies also whose earlier application has been rejected for improvement)	
	<p>1)Details of projects received/ongoing/completed in the last year with experience certificates from Client Departments. Such experience certificates shall indicate the details of Project entrusted, the overall performance ratings of the agency in terms of</p> <ol style="list-style-type: none"> 1.Preliminary study/Concept/Presenting 2.Design/drawings/approvals 3.Procurement/supervision/Quality Control 4. Time management/cost control 5. Overall Client Satisfaction <p>(*ratings can be excellent, Good, satisfactory or unsatisfactory)</p>	
	2) Details of new resources acquired in the last year with full details of newly acquired technical, personnel and capabilities in terms of consultancy works	
	<p>3) Quality assurance (both in terms of quality of work delivered and adherence to Government procedures and guidelines for execution and documentation of works). The following shall be specified for each project</p> <ol style="list-style-type: none"> 1. Timely completion of work specified/ whether the prescribed progress is maintained for works progressing 2. Reasons for any delay in completion like firm or agency's fault, Client's fault, local issues or due to any other reasons <p>Note:- If needed, the Selection Committee may conduct an</p>	

	inspection at the site of the works and verify the records. If found unsatisfactory, then the agency will not be considered for accreditation.	
E	Liabilities	
1	Outstanding liabilities, if any, to Government/Bank/financial institutions	
2	Details of court cases pending if any.	
3	Has the Applicant been penalized by any organization for the poor quality of work or breach of contract in the last five years? Yes/No, if Yes give details	
4	Has the Applicant been blacklisted by any Government department/Public Sector Undertaking in the last five years? Yes/No, if Yes give details	
5	Details of the allegations/complaints/vigilance enquiries with respect to the Government work carried out by the firm/company if any	

(Signature, name and designation of the authorised signatory)
For and on behalf of



GOVERNMENT OF KERALA

Abstract

Finance Department - Revised guidelines for execution of public works and selection of Government accredited agencies - Orders Issued - Regarding

FINANCE (INDUSTRIES & PUBLIC WORKS - B) DEPARTMENT

G.O.(P) No. 311 /14/Fin. Dated, Thiruvananthapuram, 30/07/2014

- Read 1) G.O. (P) No.408/07/Fin, dated 07.09.2007
2) G.O. (Ms) No. 133/07/LSGD dated 18.05.2007
3) G.O (Rt) No. 8989/10/Fin, dated 14.12.2010

ORDER

Government vide reference 1st cited, issued general guidelines for executing public works through various accredited agencies other than Public Works Department. Local Self Government Department also issued similar guidelines for execution of public works of LSG institutions vide reference 2nd cited. However, these guidelines are found to be not comprehensive and consequently financially imprudent decisions are taken while entrusting works to such agencies.

2) On reviewing the existing orders, Government felt that, better clarity is required on this issue, to ensure equity, transparency and prudence. It was also observed that certain important aspects like criteria for selecting these agencies, the powers of such agencies for issuing technical sanction and acceptance of tender, execution of works using alternate technology, mode of payment etc need further consideration and clarity.

3) Government vide reference third cited, appointed an expert Committee to study above issues. Based on the recommendations of the Committee and the modifications suggested by the Chief Technical Examiner and Chief Engineers thereupon, the following revised guidelines for execution of public works through Government accredited agencies are ordered with immediate effect.

4) Hereinafter accredited agencies authorised by Government in Finance Department shall alone be eligible for execution of public works of Government Departments and Organizations. The guidelines for selection of accredited Agencies, categorizations of such agencies and related matters are given in Annexure.1. The guidelines to be followed while entrusting the works to such accredited agencies are detailed in Annexure - II.

5) All Government Departments/PSUs/Autonomous Bodies executing public works through Government accredited agencies shall follow these guidelines scrupulously.

6) The revised guidelines will be applicable for all public works executed through Government accredited agencies with effect from 1st August 2014 onwards.

(By Order of the Governor)
V.SOMASUNDARAN
Additional Chief Secretary (Finance)

To

The Accountant General (A&E) Kerala, Thiruvananthapuram
The Accountant General (G&SSA) Kerala, Thiruvananthapuram
The Accountant General (E&RSA) Kerala, Thiruvananthapuram
All Heads of Departments and Offices
All Departments of Secretariat
All Private Secretaries to Ministers
Private Secretary to Chief Minister
Private Secretary to the Leader of Opposition

All Secretaries to Government

The Secretary, Kerala Public Service Commission,
Thiruvananthapuram (with C/L)

The Registrar, University of Kerala/Cochin/Kozhikode/Kottayam
(with C/L)

The Registrar, High Court of Kerala

The Secretary, Kerala Human Rights Commission,
Thiruvananthapuram

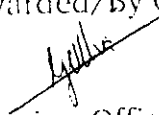
The Managing Director, Kerala State Transport Corporation,
Thiruvananthapuram (with C/L)

The Secretary, Kerala State Electricity Board,
Thiruvananthapuram (with C/L)

The Secretary to Governor

The Nodal Officer, www.finance.kerala.gov.in
Stock file/Office Copy

Forwarded/By Order


Section Officer

ANNEXURE - 1

Guidelines for selection of Agencies for Government accreditation for the execution of public works

- (1) A Selection Committee headed by Secretary (Finance-Expenditure) will be constituted in Finance Department to advise Government on selection and accreditation of agencies authorised to execute public works and related technical matters. The Chief Technical Examiner, Chief Engineer PWD(Buildings), and a Technical Expert having no direct association with the listed agencies will be the other members of the Committee. The Committee shall scrutinize the applications for accreditation and recommend eligible agencies based on the criteria prescribed hereunder. The Committee shall also review the prevailing system for accreditation and advise Government on necessary modifications in the guidelines as and when found necessary.
- (2) The authorised agencies under State/Central Government having engineering units with adequate qualified manpower will be considered for accreditation. Reputed Non-Governmental Organizations, agencies like Nirmitti Kendra, COSTFORD etc and Co-operative Societies having qualified manpower and expertise in executing public works can also be considered for accreditation.
- (3) The accreditation will be based on prevailing works management systems, bid capacity, strength of technical manpower, geographical spread of units and experience in executing various public works.
- (4) The accredited agencies will be broadly classified into four categories as shown below. The Committee shall select the eligible agencies to any of the following categories.

- (A) State Government Dept/State PSU which follows state PWD system for execution of public works.
- (B) Departments and PSUs under the Government of India, willing to execute works as per State Government norms.
- (C) Organisation with limited Government control like Co-operative Societies, joint venture organisations having sufficient experience in public works and following State PWD norms.
- (D) NGOs, Charitable Societies having sufficient experience in execution of public works and following alternate cost effective technologies.
- (5) The accreditation will be initially for a period of five years subject to any disqualification during the period as per guidelines. The renewal will be considered based on the performance review of selected agencies by the Selection Committee.
- (6) The Government will have the right to cancel the accreditation of any of the agencies at any time, based on the advice of the Committee, on account of any irregularity/low performance in executing public works entrusted with them.

ANNEXURE- II**Guidelines for entrusting works to Government accredited Agencies**

- (1) Government Departments/PSUs/Autonomous Bodies having no permanent engineering wing can directly entrust their works to accredited agencies, if required, on a deposit work mode or as project management consultancy mode without the prior approval of Government, provided the estimate cost of the work is within its delegated powers. Government Departments/Organisations having engineering divisions can also outsource works to accredited agencies for specific technical requirements which are unavailable within the dept/organisations but, with the approval of Government.
- (2) Government Departments and organisation may entrust their works to any agency under category (A) & (B), Annexure-I without any bidding process. The Government Department/PSUs/Board shall select the accredited agency based on their technical expertise and capability to execute the proposed work, and suitability of the agency to the specific project. The number of works in hand of an agency at a time should be restricted based on the availability of technically qualified manpower of the agency and its financial capacity.
- (3) The Government/Organisations desire to get competitive offers on centage charges, for their works, may obtain competitive offers on centage charges from the accredited agencies before selecting the agency.
- (4) The agencies under category (C) can also be entrusted execution of public works without bidding process, on emergent situations based on the special nature of the work. But selection of such agencies shall be

done by the Administrative Department based on the criteria mentioned at para 2 above.

- (5) The agencies under category (D) shall be not normally be entrusted with public works without any bidding process. However these agencies can be directly engaged for works executed under LSGIs, based on the guidelines issued by that Department from time to time. While State Nirmiti Kendra (KESNIC) continue to enjoy the status quo, District Nirmiti Kendra can be entrusted with public works upto a total cost not exceeding Rs.75 lakh without any bidding process.
- (6) The agencies under category (A), (B) & (C) may generally follow Kerala PWD Manual or other rules and guidelines issued by Government for executing public works. The category (D) agencies may adopt fair and cost effective practices to the satisfaction of concerned department/organisation as stipulated in the terms and conditions of the agreement to be signed between department and agency for each work.
- (7) Administrative Sanction shall be issued by the Department/PSU themselves subject to the delegation of powers given. The estimate shall have adequate provisions for applicable taxes and statutory fees but shall not include the contractor's profit. The estimates prepared by agencies under Category D shall not exceed prevailing state PWD schedule of rates under no circumstances. The estimates submitted by the accredited agencies shall include all taxes applicable and shall not include any lump sum provision for item not directly related to the works.
- (8) Based on the estimates of the agencies, Technical Sanction can be given by the officers as per their internal delegation of powers for category (A) and (B) agencies up to the powers given to Chief

Engineers of Public Works Department. For agencies coming under category (C) & (D), Technical Sanction may be issued by the Committee approved by Administrative Department subject to their delegation of powers. All estimates beyond the limits specified above shall be submitted to Technical Sanction Committee constituted by Government.

- (9) Tendering procedures, if required, shall be done as per State Public Works Manual for works assigned and tender acceptance shall be done by officers as per their internal delegation of powers. The tender acceptance beyond the delegated powers will be done at the level of Government. Tender excess for works whose estimates are based of KPWD SoR will be restricted upto the limits based on prevailing Government orders at the time of opening of tenders. The works assigned to agencies under category (D) shall be carried out at or below the estimate rates and no tender excess will be permitted for such works.
- (10) The works executed through all accredited agencies will be subjected to the inspection by competent authority entrusted by Government to ensure quality, transparency and cost effectiveness.
- (11) The centage charges for works entrusted to agencies for taking up the works including planning, designing, tendering, supervising and handing over shall be:
 - (a) 5% on all works above Rs. 5 Crore
 - (b) 6% on all works below Rs. 5 crore upto Rs. 3 crore
 - (c) 7% on all works below Rs. 3 crore upto Rs. 1 crore
 - (d) 8% on all works below Rs. 1 crore

Centage charges on ISGD works will be based on Government orders issued from that Department from time to time. The statutory fee payable for getting various approvals to deposit works on turnkey mode shall be payable extra over and above the centage charges. For project management consultancy type works, the centage charges shall not exceed 2% of the estimate.

- (12) No mobilisation advance will be given to agencies which are not directly executing the work. The mobilisation advance upto 20% of the estimate cost for the components of works directly executed by the Government agency can be considered, in emergent situations, with the prior approval of Government.
- (13) Administrative Department/organisation may enter into agreement with the selected agencies project-wise by incorporating various provisions of this order to have better clarity and uniformity. There shall be suitable provisions for dispute resolution with the intention of limiting the financial liability to Government. Suitable defects liability provision shall be given with an observation period of not less than 5 years against quality of materials and workmanship, after completion of the entire project or the identified phases of the project.
- (14) For deposit works, the advance payment for execution shall be limited to 20% of the estimate. The remaining payments shall be released based on actual value of amount executed in five installments each one limiting to 15% estimate amount. Before releasing each installment, Administrative Department shall ensure that the agency has made all statutory payments and contributions from the payments released earlier. Remaining 5% of the executed value of work will be kept as performance guarantee which will be released only after successful completion of observation period, as mentioned above. For project

management consultancy type jobs (where payment is directly made to the contractors), the charges payable to the agency shall be released based on the stages of progress as mentioned in the agreement.

- (15) The above said guidelines are not applicable to the construction works undertaken by Government organisations through their own internal technical manpower existing or established for the purpose of executing their own projects.