

GOVERNMENT OF KERALA

Abstract

Local Self Government Department-BOT Projects of Local Self Government Institutions-Execution of Concession Agreements-Permission granted - Orders issued.

LOCAL SELF GOVERNMENT (DB) DEPARTMENT

G.O. (MS) No.131/09/LSGD

Thiruvananthapuram, dated: 15/7/2009

- Read: 1. Letter no.E3.419/08 dtd. 2/3/2009 of Secretary, Perinthalmanna Municipality.
2. Letter no. A1-100/08 dtd. 24/2/09 of Secretary, Kanjirapally Grama Panchayat.
3. Letter no. A3-366/09 dtd. 25/2/09 of Secretary, Mundakayam Grama Panchayat.
4. Letter no.PW1-3875/08 dtd. 11/2/09 of Secretary North Paravur Municipality.
5. Letter no. G7-3013/04 dtd. 30/1/09 of Secretary, Kozhikkode Corporation.
6. Govt. letter no. 81342/DB2/08/LSGD dtd. 21/5/2009.
7. Letter dtd. 25/5/2009 of Managing Director, ICICI-Kinfra.
8. Minutes of the Meeting of High Level Committee held on 28/4/09 & 2/7/2009.

ORDER

The High Level Committee on Private Sector participation in the implementation of projects by Local bodies met on 28/4/2009 and 2/7/09 and have considered the Concession Agreements in respect of the following projects furnished by Local Self Government Institutions, as per letter read as 1 to 5 papers above and approved the same and gave clearance for executing the agreements subject to the satisfaction of certain conditions.

<u>Name of Projects</u>	<u>Local Self Government Institutions</u>
1. Development of Fish Market	Perinthalmanna Municipality
2. Development of Comfort Station	Kanjirapally Grama Panchayat
3. Development of Comfort Station	Mundakayam Grama Panchayat
4. Development of Library -cum Commercial Complex, North Paravur	North Paravur Municipality
5. Development of Bus bay project Mavoor	Kozhikkode Corporation

(2) In the circumstances Government are pleased to accord sanction to Perinthalmanna-Municipality, Kanjirapally - Grama Panchayat, Mundakayam-Grama Panchayat, North Paravur-Municipality and Kozhikkode Corporation to execute the concession agreements with respective concessionaire in respect of above-mentioned projects subject to the following conditions.

Fish Market Perinthalmanna

- (a) Commitment letter obtained from the concessionaire for effecting the Payment to I-Kin should be made as a part of concession agreement.
(b) Land for fish market shall not be transferred to concessionaire but only to grant building and operating rights.
(c) Subletting the fish market shall be done by Secretary, Municipality.

(contd.....2)

- (d) The provision for quarrying should be deleted from the agreement.
- (e) Clearance or no objection certificate should be obtained from the Pollution Control Board
- (f) Standards and specification of structural design of the project should be got verified and certified through NIT/Government Engineering College, Palakkad

Comfort Station Kanjirapally

- (a) Name of bidder, ie Kairali Social Service Society with full address shall be properly entered.
- (b) ICICI-Kinfra shall engage a suitable and competent agency /Institution to prepare the structural design, its standards and specification.

Comfort Station Mundakayam

- (a) Name of bidder, ie P.M.Sivadas with full address should be entered.
- (b) ICICI-Kinfra shall engage a suitable and competent agency /Institution to prepare the Structural design, its standards and specification.

Development of Library - cum-Commercial Complex-North Paravur

- (1) Details of subletting the facility specifying minute aspects, should be incorporated in the clause 33-2, 33-3 under heading, "subletting". Subletting shall be done only with the consent of the Secretary of the Municipality
- (2) The linking portion of clause 34 .1(b) with clause 35 should be deleted and to incorporate following
"..... either party may refer the dispute to Secretary to Government , Local Self Government Department who will take a decision after hearing both the parties and his decision will be final "
- (3) Standards and specification of structural design shall be got verified and certified through Government Engineering College, Trissur by ICICI-Kinfra.

Bus Bay Project, Kozhikkode

Standards and specification of structural design should be got verified through a competent and approved agency.

General Conditions applicable to all projects

1. Provisions should be incorporated in the Concession Agreement to the effect that the concessionaire shall sublet the facility only with the consent of concerned Local Self Government Institutions.
2. All blank spaces in the concession agreement should be filled up with appropriate words.
3. Name of bidder with full address should be properly entered in the Concession Agreement.

4. Performance guarantee should be obtained from the concessionaire in the form of Bank Guarantee as specified in the respective agreement.
5. Words, lease & lessee in the Concession Agreement should be substituted as licence and licensee respectively.
6. Conditions regulating the payment of fee to I-Kin by concessionaire should be the part of concession agreement either in the form of separate consultancy agreement or a commitment letter obtained from concessionaire.
7. Following clause should be incorporated in the arbitration clause of all Concession Agreements.

"..... either party may refer the dispute to Secretary to Government, Local Self Government Department, who will take a decision after hearing both the parties and his decision will be final "

(3) Managing Director, I-Kin, the nodal agency for PSP projects and Secretaries of Local Self Government Institutions concerned shall ensure that necessary modifications/incorporations are made in the concession agreements on the above lines before effecting the agreement. They shall also to monitor the project closely to see that project activities are good going as per agreement, after effecting the agreement.

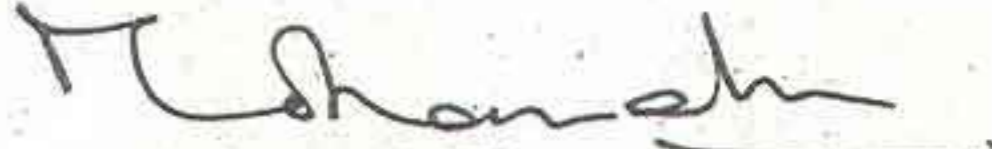
By Order of the Governor
Annamma Daniel
Additional Secretary

The Director of Panchayat, Thiruvananthapuram
The Director of Urban Affairs, Thiruvananthapuram
The Chief Town Planner, Thiruvananthapuram
The Accountant General, (A&E/Audit), Kerala, Thiruvananthapuram
The Secretary, Perinthalmanna, Municipality
The Secretary, Kanjirapally Grama Panchayat
The Secretary, Mundakayam Grama Panchayat
The Secretary North Paravur Municipality
The Secretary, Kozhikkode Corporation
The Managing Director, ICICI-Kinfra

Executive Chairman & Director, Information Kerala Mission: for uploading in the Website

Finance Department
Law Department
Planning & Economic Affairs Department
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Approved for Issue


Section Officer