



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – PMGSY-II-2016-17-Package No. KR 07-45 Poovarani Ambalam PHSC Road in Lalam Block, Kottayam - Revised Administrative Sanction accorded – Orders issued.

Local Self Government (DD)Department

G.O.(Rt)No.1905/2024/LSGD Dated, Thiruvananthapuram, 14-10-2024

Read:- 1.GO(Rt) No.3654/2017/LSGD dated 13.11.2017
2. Letter No. KSRRDA/253/2023-B dated 05.10.2023, 27.12.2023, 19.02.2024, 22.02.2024, 29.02.2024 & 08.10.2024 from the Chief Engineer, KSRRDA

ORDER

As per Government order read as 1st paper above Administrative Sanction had been accorded for the PMGSY II work having Package No. KR 07-45 Poovarani Ambalam PHSC Road in Lalam Block, Kottayam for a length of 2.191 km. The road work was awarded and later the contractor informed that he was not able to complete the work due to his post covid health issues. The matter was referred to a medical board and the medical board declared that the contractor is temporarily unfit to carry out stressful work and later the Chief Engineer has terminated the contractor under risk and cost .

2. For rearranging the balance works, the Executive Engineer, PIU has prepared an estimate in PRICE with 18% GST and as per letter read as 2nd paper above, the Chief Engineer has requested to issue Revised Administrative Sanction for an amount of ₹1,94,88,425/- for rearranging the balance work. The Chief Engineer has also reported that out of the required amount, ₹1,13,23,816/- can be met from the fund available in PMGSY-II for the project and the balance amount ₹81,64,609/- can be met from the Additional State Share sanctioned for 2024-2025 under PMGSY scheme.

3. Government have examined the matter in detail and made the

following observations;

(a) As per Clause 2.3 in the Interpretation section of Part I General Conditions of Contract, "The documents forming the Contract are to be taken as mutually explanatory, and unless otherwise expressly provided elsewhere in the Contract, the priority of the documents, in the event of any ambiguity between them, shall be interpreted in the following order of priority: (1) Agreement, (2) Notice to Proceed with the Work, (3) Letter of Acceptance, (4) Contractor's Bid, (5) Contract Data, (6) Special Conditions of Contract Part II, (7) General Conditions of Contract Part I, (8) Specifications, (9) Drawings, (10) Bill of Quantities, and (11) Any other document listed in the Contract Data"

(b) Clause 26 of Contract Data to General Conditions of Contract specifies that "The percentage to apply to the value of the work not completed representing the Employer's additional cost for completing the Works shall be 200% of uncompleted Work [Cl.53.1]". Hence, based on the PMGSY Guidelines/SBD the risk and cost may be worked out.

(c). Justification for SoR change ; In case SoR 2013 is adopted, the rate contain, VAT/ pre-GST taxes which is practically difficult to separate out. If these components are not separated, and if the mandatory GST (18%) at present is allowed, the contractor benefits from input tax credit in addition to mandatory GST.

(d). Moreover taking into consideration that 200% shall be recovered from the terminated Contractor based on the Clause 26 of Contract Data to General Conditions of Contract, it is appropriate to tender based as per the current SOR of PMGSY.

4. In this circumstance revised Administrative Sanction is accorded for ₹1,94,88,425/- (Rupees One Crore Ninty Four Lakh Eighty Eight Thousand Four Hundred and Twenty Five only) for rearranging the balance work in respect of Package No. KR 07-45 Poovarani Ambalam PHSC Road in Lalam Block, Kottayam subject to the availability of fund. It is advised to proceed with call of tenders based on current DSR, for getting a better response.

(By order of the Governor)
MILAN ELIZABETH GEORGE
UNDER SECRETARY

The Chief Engineer, KSRRDA, Thiruvananthapuram
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram

The Accountant General (A&E), Kerala, Thiruvananthapuram
Finance (Development) Department (vide 2087411/DEV-3/116/2022-
Fin dated 04.10.2024)
Finance (Special Cell) Department
Web & New Media, I&PRD
The Director, Information Kerala Mission, Thiruvananthapuram
Stock File

Forwarded /By order

Section Officer

Copy to: Private Secretary to Hon'ble Chief Minister
Private Secretary to Hon'ble Minister for LSGD