

Minutes of the HPC Meeting held on 10/12/2019

The meeting of the High Powered Committee of USDMA was held on 10th December 2019 under the Chairmanship of Shri. Utpal Kumar Singh, Chief Secretary and Chairman High Powered Committee of USDMA, for the proposals for UDRP-AF projects under USDMA.

The following were present:

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| 1. Shri. S A Murugesan | Secretary (In-Charge), Disaster Management & PD, UDRP-AF |
| 2. Shri. Mukesh Mohan | E-in-C, Irrigation |
| 3. Shri. P.C. Khare | Finance Controller, PMU,UDRP/UDRP-AF |
| 4. Shri. S.K. Birla | Chef Engineer, PIU- Roads & Bridges, UDRP |
| 5. Shri. Dayanand | DPM, PIU- Bridges, Slopes, & Irrigation, UDRP-AF |
| 6. Shri. Ajay Verma | DPM, PIU-Irrigation |
| 7. Shri. Pravin Kumar | Executive Engineer, PIU-Roads & Bridges, UDRP |
| 8. Shri. Amit Thapa | Manager Office Management, PMU-UDRP-AF |
| 9. Shri. Pankaj V Vora | CEO, PCC - M/s Sowil |
| 10. Shri. Sourav Mukherjee | Associate Director, PCC - M/s Sowil |

Following were the points of discussions, directions and decisions taken during the meeting:

A. PIU-Bridges & Slopes, UDRP-AF

- 1- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF presented the following proposed Bridge and Road Protection Works sub-projects with Detailed Project Reports (DPRs) currently planned under the respective components under UDRP-AF, which have been approved by the Departmental Empowered Committee (DEC). HPC is requested to grant Administrative Approval and Financial Sanction of following Bridge & Road Protection Works:

Sl. No.	District	Bridge Name	Affected Span (in Mtrs)	Estimated cost, as per DPR prepared by DSC (in INR Lakh)
1	2	3	4	5
Bridge Works				
1	Chamoli	Reconstruction of 90 M Span Bridle steel truss Bridge over Supligad in District Chamoli.	90	614.65
2	Champawat	Construction of 30 M Span Steel Truss Motor Bridge over Gandak river at Km-2 of Champawat to Manch Tamali motor road.	30	269.39

HPC granted Administrative and Financial approval to the above proposal of PIU

- 2- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF presented the following bridges for which HPC has granted administrative approval there after Bridge design consultant has submitted concept note for construction of these bridges based on Engg., Procurement Construction (EPC) mode, for which World Bank has already given NOL to construct these bridges on design built i.e. EPC mode. These bridges are being taken in EPC mode, hence HPC requested to grant approval for bidding of following bridges by EPC mode, so that Financial Approval may be taken after evaluation of the Bids.

Sl. No.	District	Name of Bridge	Span (In Mtrs)	Tentative Cost (in INR Lakh)
1	2	3	4	5
1	Udham Singh Nagar	Construction of Pre stress R.C.C. Motor Bridge on Sadhunagar to SIIDCUL, Sitarganj Motor Road on Kailash river, in District Udham Singh Nagar	400	2995.59

HPC approved the above proposal of PIU

3- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF, brought in the knowledge of HPC that extension of package no BR/31(AF) was presented in the last HPC meeting dated 11.11.2019, in which HPC directed to cross check the rainfall data and present in the next HPC. The same has been checked by PIU, which is recommended by DSC/SE WB/EE WB based on various grounds. HPC is requested for approval of EOT with liquidated damages/without Liquidated damages as follows:

S. N.	Name of District	PKG No.	Name of Road/Bridge	Contract Cost (In INR Lakh)	D.O.S.	D.O.C. as per Agreement EOT (Without L.D.) EOT (With L.D.)	Date of Completion as per Proposed EOT recommended for sanction		Reason of EOT
							Without L.D.	With L.D.	
1	2	3	4	5	6	7	8	9	10
1-	Almora	BR-31-(AF)	Construction of 30m span Steel Girder Bridge at Km 01 of Balmara-Kedar-Syalde Motor Road	147.12	05.10.18	04.10.19	Dated 05.10.19 to 21.12.2019 for 78 days	Dated 22.12.2019 to 28.12.2019 for 7 days @ 0.05 % L.D. per day (Rs.7,356.00 Per day)	<ul style="list-style-type: none"> • Unseasonal rain- 42 days • Variation/ Extra time Rs.14.41 Lakh- 36 days Total =78 days

HPC approved the EoT as proposed by PIU

4- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF, informed to HPC that, the intended date of completion of contract for the DPR preparation of the Road Protection Works was 30/11/2019. In continuation to the above the onboard Consultant M/s CCEE Group India Private Limited has submitted a request for extension of time upto 31/12/2019 vide their letter No. CCEE-JSV/UDRP-WB/DSC/TL/2019-20/0509 dated 30/11/2019. The Consultant has already submitted the Inception Report, Topographical Survey Report. The Geotech Investigation has already been completed in all the 4 road protection sites. The Consultant has also informed that the delay in the DPR preparation is due to the mechanical fault in the machinery for the Geotech Investigation. Since, all the four DPRs needs to be proof checked before the final submission. Therefore, PIU (Slope, Bridge & Irrigation) request the HPC to provide an extension of time up to 31/12/2019 to the onboard Consultant M/s CCEE Group India Private Limited for DPR preparation.

HPC after discussion approved the above proposal of PIU

5- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF informed the HPC that in UDRP-AF, construction of 10 bridges (list is attached as Annexure I) are proposed to be procured through EPC mode of contracting. But it is apprehended that for the financial size of the sub-projects being too small, it may not attract large contracting firms from outside the State and it is very likely that only local contracting firms based in Uttarakhand only may participate. The local contracting community is not conversant with the EPC mode of contracting and it may lead to a number of issues during contract administration. Secondly, in EPC mode, at least four months will have to be given to the contractor as design period. Therefore, it is proposed that in case the PIU doesn't get a good response in the first call or get mostly non-responsive bids then PIU be allowed to go for rebidding for these bridges under item-rate contract in the interest of timely completion of the project.

HPC after discussion approved the above proposal of PIU

6- PM, PIU (Slope, Bridge & Irrigation) UDRP-AF informed that World Bank doesn't have a Standard Bidding Document for EPC mode. As such, they suggested to use the same SBD as applicable for item-rate contracts after incorporating/modifying the World Bank approved SBD. In compliance of their suggestion, PIU sent the modified

bidding document for EPC contracts to World Bank. World Bank vide their email dated 11.11.2019 has given concurrence to proceed with the same after incorporating a few minor changes suggested by their experts. Further it is to inform that during the recent World Bank mission wrap-up meeting dated 14.11.2019, TTL had advised to adopt the same for EPC mode of procurement. The bidding document for EPC mode of procurement is presented herewith for the approval of the HPC.

HPC approved the bidding document for EPC as presented by PIU

- 7- PM, PIU (Slope, Bridge & Irrigation), UDRP-AF brought in the knowledge of HPC that for execution of World Bank funded UDRP, Project, government sanctioned vide G.O. No. 2831/III(1)/13-70(Adhi)/05,PWD-1, dated 26.12.2013, 130 ex-cadre posts for technical as well as non-technical staff for field offices. Against which HPC vide letter no. 180/UDRP/PMU/HPC/2019/08, dated 04 Sept, 2019, provided approval for extension of 51 nos. non-technical staff up to 31.10.2019, i.e. closure date of project. Now handing over of records to line department as well as execution of the works under of UDRP-AF is being done by same staff till the new structure is in place. So HPC is requested to grant the permission to draw salary of month November & December 2019 of 44 nos. non-technical staff amounting Rs. 5,78,995.00 per month and salary of 3 no. technical staff (JE's) appointed by PMU, from July 19 to December 19 amounting Rs. 1,07,328.00 per month from UDRP-AF.

HPC granted approval up to 31/12/2019 to the above proposal of PIU

- 8- Payment of the fees of Learned Arbitrators:

PM, PIU (Slope, Bridge & Irrigation), UDRP-AF informed that arbitral proceedings in four (04 no) disputes have commenced recently. Normally, in the very first meeting, the Learned Arbitrator finalises the future course of action, the timelines within which the Claimant would submit its "Statement of Claims" and the Respondent would submit its Statement of Defence & Counter-Claim, if any, the future dates on which Arbitral Proceedings would be held and the manner in which the fees and expenses of the Arbitrator will be borne.

The PIU has been facing a very embarrassing situation each time the Learned Arbitrator asks for the Advance fee and boarding ,lodging and travelling expenses to be paid to him by both the parties to be shared equally. The Learned Arbitrators decide their fees as per the model fee described in the Fourth Schedule to the Arbitration & Conciliation Act,1996 as amended from 23.10.2015 while the provisions laid down in a G.O issued by Uttarakhand Govt. vide GO no. 3887/111(2)18-41(Re.Ya)/2013, Dehradun dated 31st July 2018 contravenes the provisions of the Act. Non-payment of the advance fee by the PIU is tantamount to not acting as per Law and this creates a very poor image of the PIU as an institution. Therefore, after a few arbitral proceedings meetings, the PIU apprehends that the Learned Arbitrator assumes a prejudiced view of the claims made by the PIU. It is also pertinent to mention that out of seven Arbitration cases settled so far, the Arbitrators have issued the Award in favour of the Contractor in EACH case even though in four cases ,the PIU was the Claimant while the Contractor was the Respondent but the Counter-Claim of the Contractor was awarded.

Therefore, it is proposed to pay the fee and other expenses of the Learned Arbitrator as per the model fee described in the Fourth Schedule to the Arbitration & Conciliation Act, 1996 as amended from 23.10.2015.The same is presented for HPC's approval.

HPC after discussions directed to make the payment as per Government Order and that the matter should be referred to Government for necessary correction.

B. PIU-Irrigation, UDRP-AF

Project Manager, PIU-BS&I, informed the HPC that out of the 05 Sub-projects of River Bank Protection approved by HPC, work is in progress in 03 sub-projects (Birahi & Kothiyalsain in Dist. Chamoli and Devli-Jakhni in Dist. Tehri). The Technical Sanction for these 03 sub-projects was given by Chief Engineer II, Srinagar, Irrigation Department. When the Technical Sanction for the remaining 02 sub-project was submitted, Chief Engineer opined that Technical

Sanction and further activities such as drafting of agreement, approval for Extension of Time (EoT), variations, etc. should be done by the same authority under whom the construction and other contract execution activities are being done which is not the practice in the project.

HPC is also informed that under UDRP-AF, PIU has been created for implementation of the project. The process for bidding and drafting of contract bonds are done at the PIU level as per the World Bank guidelines and handed over to FPIU for execution. A Construction Supervision Consultant (CSC) has also been appointed for the sub-projects. During the execution of contracts, EoT, variations, etc. are put up to HPC for approval and NoL from the Bank is also taken.

The issue raised by the Chief Engineer was appraised to PD, UDRP-AF and in turn discussed with Secretary, Irrigation and concerned Chief Engineer. PIU is of the opinion that involvement of concerned officials of Irrigation Department at various stages of execution of sub-project will add to effective administrative and supervisory control of the construction works.

Therefore HPC is requested to kindly approve the involvement of concerned officials of Irrigation Department at various stages of execution of sub-project under River bank Protection Works.


HPC approved the above proposal of PIU

The meeting ended with a vote of thanks.


(S A Murugesan)
Secretary (In-Charge) Disaster Management/
Project Director UDRP-AF

Copy to:

1. ACS to CM, Uttarakhand for kind information of Hon'ble Chief Minister.
2. ACS / Principal Secretary / Secretary, - PWD, Irrigation, Tourism, Disaster Management, Finance, Planning, Forest.
3. Program Director, UDRP.
4. All PMs, PIU-UDRP & UDRP-AF.
5. All District Magistrates, Uttarakhand.
6. All FCs, UDRP & UDRP-AF.
7. All Present in the meeting.
8. Guard file


(S A Murugesan)
Secretary (In-Charge) Disaster Management/
Project Director UDRP-AF