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HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PW-CTR-32-20/enlistment rules/2016- 7194

Dated:- 11/5/17

To

All the Chief Engineer,
In HPPWD.

Subject:- Relaxation in condition No. 28.2 b of the Standard Bidding Documents for State works.

On the above noted subject your attention is invited towards letter No. PBW (B) C (17)2/2012 dated 06/10/2016, received from the Additional Chief Secretary (PW) to the Govt., of H.P. (copy enclosed) vide which the condition No. 28.2 b of the Standard Bidding Documents being used for state works eligibility criteria condition regarding minimum work done condition has been amended by substituting the word "similar work" with "civil work" which is reproduced as under:-

28.2.b:- Minimum Work done condition:- "Minimum Civil work done of amount not less than 40% (Forty Percent) of the estimated cost (Without Liquidated Damages or compensation) in last five years".

In this regard, it is to inform you that the matter was referred back to the Govt., vide this office letter No. 23114 dated 07/03/2017 with the plea that the relaxation of the said condition in Standard Bidding Document was only sought for the particular works situated in high altitude, remote and far-flung snow bound area in Rohru Tehsil where the working season is also very limited and the eligible contractors were not coming forward for participating in the tendering process for three & the available local contractors were not qualifying the eligibility criteria of minimum one similar work done for said works even after inviting tenders repeatedly & as such this relaxation was not required in general.

Now the Govt., vide his letter No. PBW(B)C(17)2/2012 dated 10/04/2017 has restored the condition No.28.2 b of S.B. D., in previous shape and approved to insert a new condition 28.2(C) (i) , "In exigency of work the power to relax any provision of the rules/clauses" and vested powers to the committee comprising of Engineer -in -Chief, HPPWD, Chief

Engineer (Concerned), Superintending Engineer D-III, and Joint Controller (F&A).(copy enclosed).

Keeping in view of the above, the said condition can only be relaxed in rare circumstances as under:-

- (a) In specific cases where the tenders have been called and no contractor are coming forward to participate in the tendering process.
- (b) In such cases where the single tender (2nd call) has been received but the rates of contractors are absurdly high.
- (c) The tender in which the contractor has quoted the rates more than justification and are not ready to lower their rates.

Hence, you are requested that before sending such type of cases to this office the above instruction may be kept in consideration while recommending the case to this office for necessary action in special cases with proper reason.

Encl. As above.

Engineer-in-Chief,
HP PWD, Shimla-2.

Copy of above is forwarded to the following for :-

1. The Additional Chief Secretary (PW) to the Govt. of H.P., Shimla-2, w.r t his office letter referred to above for information please.
2. All the Superintending Engineer s in HPPWD, for information and taking further necessary action.
3. All the Executive Engineer (through e-mail) for information and necessary action.
4. The Executive Engineer (IT) for information, along with copy of the above instruction. He is requested to upload the same on the Departmental website and also inserted the New condition i.e 28.2 (C) (1) in the Standard Bidding documents for state works.

Engineer-in-Chief,
HP PWD, Shimla-2.