

Minutes of 116th Steering Committee of Kerala State Transport Project

Date & Time : 30th October 2020 at 05.00 PM

Place : Online Meeting

Present:

- Reshmi*
1. **Dr. Vishwas Mehta IAS**
Chief Secretary
 2. **Sri. Rajesh Kumar Singh IAS**
Additional Chief Secretary, Finance Department
 3. **Sri. T.K. Jose IAS**
Additional Chief Secretary, Water Resources Department
 4. **Dr. A. Jayathilak IAS**
Principal Secretary, Revenue Department
 5. **Sri. K.R. Jyothilal IAS**
Principal Secretary, Transport Department
 6. **Sri. Anand Singh IAS**
Secretary, Public Works Department
 7. **Sri. Aravintha Babu P.K**
Secretary, Law Department
 8. **Dr. Dinesh Arora IAS**
Project Director, KSTP
 9. **Smt. Darlene Carmelita D'Cruz**
Chief Engineer (Projects), KSTP
 10. **Sri. Ajith Ramachandran**
Chief Engineer (Roads), PWD

Item No. 01 : Confirmation of 115th Steering Committee Minutes

: Confirmed.

Item No. 02 : Action taken report on the decision of the 115th Steering Committee.

: The steering committee noted the action taken report.

Item No. 03 : Extension of time

A) Extension of time for completion of the work-KSTP-II- Construction of Thiruvalla Bypass along Chengannur- Ettumanur Road from Design chainage km 7+390 to km 9+400 – Balance works.

AE-7
The balance works of construction of Thiruvalla Bypass along Chengannur- Ettumanur Road from Design chainage km 7+390 to km 9+400 was awarded to the contractor M/s GHV India Pvt. Ltd. for a contract amount of Rs. 37,03,87,635/-. The contract agreement was signed on 29th December 2019 and Notice to proceed was issued on 07th January 2019.

As per contract conditions the intended completion date for the whole of the works shall be 9 months including monsoon season from the commencement date, i.e. on 06th October 2019.

The 109th Steering Committee held on 04.11.2019 had approved the extension of time for the work as follows:

- (i) KM 0+000 to Km 1+730 (Mallappally road crossing) upto 31.12.2019
- (ii) For the whole project including the viaduct and its approaches from Km 1+730 (Mallappally road crossing) to Km 2+300 upto 30.04.2020

Further, the 113th Steering Committee meeting held on 24th July 2020 had approved the extension of time for the balance work upto 30.09.2020 considering the Covid-19 pandemic, labor migration and lockdown. It is also specified that if the works are not completed by 30.09.2020, the decision on proportionate LD shall be taken after the target date.

But, the contractor failed to complete the work within the approved time, i.e. upto 30.09.2020. The contractor vide letter no. GHV/TVLA/2020/615 dated 12th October 2020 has requested to extend the time of completion up to 31.01.2021 stating various issues in completing the work, which are explained below: [Extension request submitted by the contractor is enclosed as **Annexure-2 (Page No -71)**].

- a) Due to outbreak of pandemic disease
- b) Heavy rain extended up to September last

Remarks of the Team Leader in Charge

The Team Leader in Charge vide letter no. EI/1A/TLO/3787 dated 15th October 2020 has provided the details of current status of the work as mentioned below:[Letter submitted by the Engineer is enclosed as **Annexure-2(a)(Page No -79)**]

Status of Works

Minor Bridge at Km. 0+390 - Completed

Flyover at Km. 1+300 - Completed

Viaduct from Km. 1+786 to Km. 2+013

- Piling works completed. Total 60 nos done.
- Pile caps completed at all locations.
- Pier & Pier cap completed at all locations.
- Out of the 36 girders, casting completed for 35 nos. and 24 has been erected in 6 spans (A2-P8, P8-P7, P7-P6, P6-P5, P5-P4 & P4-P3). Deck slab work in progress

Road works - 1.70 Km Completed

- BC work from Km. 0+000 to Km.1+700 has been completed. Balance length will be initiated on completion of viaduct work.
- Gabion Wall Work in progress from Km:2+060 to Km:2+100
- RE Wall work is in progress from Km:2+015 to Km:2+060
- L Wall work at Viaduct A1 side approach, LHS is partially completed. 7m balance.
- RCC Drain connection work from Km:2+300 to Km:2+350 is in progress. RCC Drain from Km:1+740 to Km:1+780, LHS not yet started.
- RR Masonry work in service road towards Private stand at Km:1+120 is in progress.



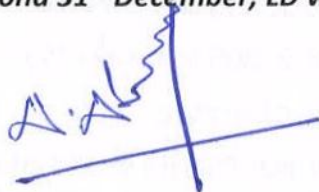
- Cross drain work under flyover across PWD road is balance. RCC drain work partially completed.
- Pipe culvert work at Km: 2+185 not yet started.

Further remarks made by the Engineer with regard to the extension of the work are as follows:

- a) The Engineer has stated that the delay occurred beyond the extended time is due to the defaults of the contractor like
 - i) Delayed mobilization of required resources like men, machinery and materials
 - ii) Poor site management and lack of co-ordination of project activities
- b) As per contract clause 42.1 of GCC, the monsoon season is not an event listed in the compensation events. Hence, this event cannot be considered as a delay event which the contractor is eligible for gaining EOT recommendation.
- c) The Engineer has stated that the completion date recommended was in the peak monsoon season and it was difficult for the contractor to complete all remaining works, particularly the embankment and pavement works in the portion from Km 1+700 to Km 2+300.
- d) As per the programme submitted by the contractor along with the application for time extension, the date of completion and opening to traffic is proposed on 10.01.2021. The contractor needs to mobilize more resources for achieving this target.
- e) Finally, it is concluded that an early completion of the work is not expected and requested Employer to review the status and to decide whether to deduct proportionate liquidated damage and to grant any additional period for the project completion beyond the period of 30th September 2020.

Resolution No.1

Considering the recommendations of the Team Leader in charge, the Steering Committee by consensus resolved to grant extension of time for completion up-to 31st December 2020 and impose delay damages as per the contract agreement conditions for works which are delayed due to reasons attributable to the contractor. No more extension will be granted beyond 31st December 2020. Beyond 31st December, LD will be imposed on the whole work.



AE7

B) Extension of Project Completion Schedule for the work of Upgrading Punalur to Ponkunnam road (SH 8) Package 8B: Km 29+840 (Konni) to Km 60+000 (Placherry).

The work of "Upgrading Punalur to Ponkunnam road (SH 8) Package 8B: Km 29+840 (Konni) to Km 60+000(Placherry)" was awarded to the contractor M/s EKK Infrastructure Limited for a contract amount of Rs.279,00,00,000. The contract Agreement was signed on 22.08.2019 and the appointed date was declared on 01.11.2019. The scheduled date for completion of the project is 24 months from the appointed date, i.e. on 29.10.2021.

Pursuant to the Schedule-J of Contract Agreement, the Milestones are defined as Completion of Financial targets in terms of defined percentages which is summarized as below:

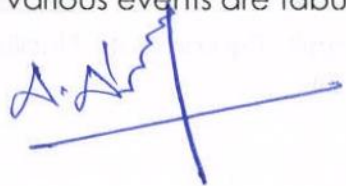
Project Milestone	Description (Days from Appointed Date)	Planned	
		Financial Progress (%)	Scheduled Date
Milestone I	290	20%	15.08.2020
Milestone II	440	55%	12.01.2021
Milestone III	585	75%	06.06.2021
Scheduled Completion	730	100%	29.10.2021

As tabulated above, the scheduled date for 1st milestone of the project was on 15.08.2020. The Contractor M/s EKK Infrastructure Ltd. has submitted a Request for time Extension vide Letter No. EKK/PKG-8B/2020/519 dated 02nd Sep'2020[Extension request submitted by the contractor is enclosed as **Annexure-3 (Page No -82)**] mentioning about the causes for delay in commencement of work that are attributable to the Authority of the following events:

- Delay due to Shifting of Utilities.
- Delay due to Procurement of the Site and Unencumbered ROW
- Delay due to Stoppage of Earthwork Due to Sabarimala Pilgrimage Season
- Delay due to Lockdown Outbreak of Pandemic COVID-19

Contractor's claim

The contractor has listed period of delays, on account of each of the above described events, with a request for a time extension for a period of 274 days from Commencement Date 1st November 2019. The details of contractor's claim for extension of time due to various events are tabulated below:



Sl. No.	Particulars	From Date	To Date	Total Delay (Days)	Remarks
1	Delay Due to Shifting of Utilities	01.11.2019	31.07.2020	274	Still continuing
2	Procurement of the Site and Unencumbered ROW	01.11.2019	31.07.2020	274	Still continuing
3	Delay due to Stoppage of Earthwork Due to Sabarimala Pilgrimage Season	17.11.2019	16.01.2020	65	
4	Outbreak of Pandemic COVID-19	09.03.2020	31.07.2020	145	Still continuing

Recommendation of the Authority's Engineer

The Authority's Engineer has analyzed each delay in details and has given their remarks vide letter no CEG/KSTP-2/AE/Gen/CE-90 dated 19.10.2020 & CEG/KSTP-2/AE/Gen/CE-095 dated 22.10.2020 [Letters submitted by the Authority's Engineer are enclosed as **Annexure-3(a) (Page No -91)** & **Annexure-3(b) (Page No -93)**] and recommended allowable extension of time. The remarks of the Engineer are as follows;

a) Delay due to Shifting of Utilities.

The Contractor is eligible for Extension of Time only on the basis of new utility or works affected the works. But the contractor has claiming that the estimation approvals from the concern departments of Electrical and water got delayed, hence the contractor unable to start the utility shifting works in the starting of the project.

Recommendation: Contractor's claims for Extension of time is untenable. Hence, 'Authority's Engineer' is opined that no delay can be contemplated on account of Utility Shifting.

b) Delay due to Procurement of the Site and Unencumbered ROW

The Contractor could not start the work mainly due to Late Appointment of their Design Director, Proof and Safety consultant for carrying out Engineering Surveys, collection of Data, Preparation of Preliminary and Detailed Designs. Besides delay in mobilization of Man power and Equipment, Finalization of quarries,

Minutes of 116th Steering Committee of Kerala State Transport Project Procurement of Engineering materials and Applicable permits. The Sufficient Work front was made available to the contractor for commencing the work and there were no impediments. Delay in commencement of work was mainly due to Non-Preparedness of the contractor

Recommendation: Contractor's claims for Extension of time is untenable and the Authority's Engineer' is of the opinion that no delay can be contemplated on account of Right of Way.

c) Delay due to Stoppage of Earthwork Due to Sabarimala Pilgrimage Season

Sabarimala Pilgrimage season was in the 2nd Week of November 2019. The Appointment date was declared by the Authority on 1/11/2019. The Authority had informed to the Contractor not to carry out any such work which might disturb pilgrimage's vehicular movement. The Work was jointly supervised by Authority's Engineer team and the contractor team wherein there was no Construction works were commenced during the 2nd Week of November 2019 except Pre-Construction activities.

Recommendation: The claims of Contractor delay due to stoppage of Earthwork during Sabarimala Pilgrimage is invalid and unacceptable.

d) Delay due to Lockdown Outbreak of Pandemic COVID-19

The COVID-19 Pandemic was a Non-Political event occurred in Kerala State and in India was beyond the reasonable control of the contractor and could not prevented by exercise of due diligence and the following good Industry practice. The Authority Engineer has examined the claims of the contractor based on the documents/records submitted and notified by the Government of India/ Kerala during the COVID 19 period.

Recommendation: The Authority's Engineer is of the opinion that the contractor is entitled for extension of time during the following months and recommends 104 days.

Sl. No.	Particulars	From Date	To Date	Total Delay (Days)	Remarks
1	Outbreak of	09.03.2020	31.03.2020	23	Partially shut down in Project area by Local Administration & Lockdown -1

A. A. [Signature]

Sl. No.	Particulars	From Date	To Date	Total Delay (Days)	Remarks
	Pandemic COVID-19	1.04.2020	30.04.2020	30	National Lockdown -1
		1.05.2020	31.05.2020	31	National Lockdown -2,3,4
		1.06.2020	20.06.2020	20	Time for Migrant labourers to return and to observe Quarantine
			Total	104 days	

The final conclusion of the Authority's Engineer is as follows

Pursuant to clause 6 –Extension of time of Schedule J, "**Upon extension of any or all of the aforesaid project milestone or the scheduled completion date, as the case may be, under and in accordance with the provisions of this Agreement, the project completion schedule shall be deemed to have been amended accordingly**".

Resolution No.2

Considering the recommendations of the Authority Engineer, the Steering Committee by consensus resolved to approve the project competition schedule as tabulated below for 104 days for milestone I and 60 days for milestone II on account of Force Majeure event as per clause 21.6.3.

Project Milestone	As per Contract		As per Recommended EOT-1	
	Description (Days from Appointed Date)	Scheduled Date	Description (Days from Appointed Date)	Revised Schedule Date
Milestone I	290	15.08.2020	(290+104) =394	27.11.2020
Milestone II	440.	12.01.2021	(440+60) =544	12.03.2021
Milestone III	585	06.06.2021	(585+00) = 585	06.06.2021
Scheduled Completion	730	29.10.2021	(730+00) = 730	29.10.2021

Item No. 04 : Submission of Performance Bank Guarantee

A E 2

Package IIIB - Request for submission of Performance Bank Guarantee proportionate to the value of balance works for the work "Upgradation of the road from Kalarode to Valavupara(km: 30+000 to km: 55+200)"

The Upgradation work of KSTP-II- Kalarode-Valavupara road (km: 30+000 to km: 55+200) – Package – III-B was awarded to the contractor M/s GHV-EKK (JV), Ernakulam for a contract amount of Rs 209,68,48,832/- and Agreement executed vide Agreement No: 275/KSTP/PMT/PWD/2016 dated 29-04-2016. The work commenced on 26-09-2016.

Taking over certificate was issued for the part of work from km : 30+000 to km: 40+000 with effect from 16/03/2020 and from km: 40+000 to km: 55+200 (except Iritty and Koottupuzha Bridge and its approaches) with effect from 16/07/2020. The DLP of the aforesaid stretches completed on 15/03/2020 and 15/07/2020 respectively. As the DLP period is completed on the above sections, proportionate retention money has already been released to the Contractor.


The Contractor has submitted Performance Bank Guarantee for Rs.20.97 Crore (10 % of the contract amount) and extended period of B.G expired on 09/05/2020. The Contractor has requested to reduce the Performance Bank Guarantee proportionate to value of remaining works only.

Claim of the Contractor

The claim of the Contractor is, the Iritty Bridge works got extended due to change in design and heavy Flood during past 3 monsoons. Also, the bridge at Koottupuzha could not be completed due to the objection from the Karnataka State Forest Department. The recommendations of the standing Committee of National Board for Wild Life (NBWL) for use of Forest land for the construction activities was obtained on April 2020 only, and the work could not be commenced due to the spread of COVID 19 pandemic and ensuing monsoon and the consequent flooding of river. Also, an extension of original bank guarantee will incur an additional expense of Rs.75 lakh and affect their bank guarantee limit.

Observations of the Engineer (CSC)

As reported by the Supervision Consultant, revised value estimated for the project is Rs.198.58 Crore. Cumulative value of works done as on taken over date (15/07/2019) is Rs.159.16 Crore. The Supervision Consultant has submitted the value of works to be completed by the Contractor as detailed below;



Sl.No.	Items	Completed	to be completed	Total
1	Iritty Bridge & approaches (Km 40+980 to Km 42+780)	17,61,29,177	7,95,87,696	25,57,16,873
2	Koottupuzh Bridge and approaches (Km 53+780 to Km 53+970)	2,49,86,805	6,64,85,339	9,14,72,144
3	OV Road	3,15,60,864	2,48,68,795	5,64,29,659
4	TOTAL	23,26,76,846	17,09,41,830	40,36,18,676

The final conclusion of the Engineer is as follows

The Contract Agreement says, "The Contractor shall ensure that the Performance Security is valid and enforceable until the Contract has executed and completed the Works remedied any defects. If terms of the Performance security specify its expiry date, and the Contractor has not become entitled to receive the Performance Certificate by the date 28 days prior to the expiry date, the Contractor shall extend the validity of the Performance Security until the works have been completed and any defects have been remedied".

As only some minor repairs are to be attended by the Contractor as per Snag List, CSC recommends the snag list can be considered as completed, the DLP for the Taken over stretches can also be considered as completed. The delay in completion of Koottupuzha Bridge is not attributable to the Contractor as the works were suspended due to the objection from the Forest Department, Karnataka State. The final stage approval for use of Forest land for the construction activities is under process only. Also, the exceptional event of Covid-19 Lockdown and other restrictions prevented the Contractor from performing its substantial obligations under the Contract and is not substantially attributable to the Contractor.

Resolution No.3

Considering the recommendations of the Engineer (CSC), and the fact that partial takeover of the entire road as well as DLP is over, the Steering Committee by consensus resolved that the Contractor may be permitted to submit Performance Bank Guarantee proportionate to the value of remaining works to be done (Rs.40,36,28,676 crores) for the awarded work.

Item No : (05): Bid Evaluation Report –RKI Packages**a) Bid Evaluation Report of RKI-13-Upgrading of Kumbla – Badiadla - Mulleria Road: Km 0+000 (Kumbla) to Km 29+135 (Mulleria).**

The bid invitation was published in the dailies The Hindu and MalayalaManorama on 22/08/2020 and in the Kerala e-tender portal on 24/08/2020 with last date of submission of bid as on 09/10/2020. The following bidders had submitted the bid:

Sl. No.	Name of Bidder	Nationality	Remarks
1	M/s. RDS Project Ltd.	Indian	Single Entity
2	M/s Eagle India Infra Ltd.	Indian	Single Entity

A E 2

On evaluation of the technical bids by the PMC for RKI works, bid received from M/s. RDS Project Ltd. was found responsive to the requirements of the bidding documents and was recommended to be invited for opening of their price bids (2nd envelope) for further evaluation.

The bid submitted by M/s Eagle India Infra Ltd. was rejected as found non-responsive as the bidder has failed to submit the qualification criteria's of work done as per clause 2.4.1 of General Construction Experience of RFP and insufficient work experience for the key activities of specific construction experience as per clause 2.4.2(b) of RFP and lack of proper Approach & Methodology for the work as per Section III-CI-1.1-Method Statement of RFP.

Accordingly, the price bid opening was done on 21/10/2020 at 11.00 hrs. The details are as follows:-

Sl.No.	Name of Bidder	Bid Amount (in Rupees)
1.	M/s. RDS Project Ltd.	Rs. 158,85,00,000/-

As per the World Bank's Guidelines for Procurement of Goods, Works and Non-Consulting Services (January 2011, Revised July 2014), "Rejection of all bids is justified when there is lack of effective competition, or all bids are not substantially responsive, or no bidder meets the specified qualification criteria, or the bid price of the lowest evaluated winning bid is substantially higher than the Borrower's updated estimated cost or available budget. Lack of competition shall not be determined solely on the basis of the number of bidders. Even when only one bid is submitted, the

Minutes of 116th Steering Committee of Kerala State Transport Project bidding process may be considered valid, if the bid was satisfactorily advertised, the qualification criteria were not unduly restrictive, and prices are reasonable in comparison to market values.”

Considering that loan period expires on April 2021 and the works have to be commenced before that, the single responsive bid was considered for evaluation.

The price quoted by the bidder is Rs. 158.85 Cr against the estimated cost of Rs. 151.74 Cr. which is 4.68% above the estimate amount. The quoted amount is competitive considering estimated cost of Rs. 151.74 Cr. As the bidding process is valid and the bid was satisfactorily advertised with the qualification criteria not unduly restrictive and price is reasonable in comparison to the market values, the bid may be accepted.

Based on the aforesaid, the steering committee noted that as the bidding process is valid and the bid was satisfactorily advertised with the qualification criteria not unduly restrictive and price is reasonable in comparison to the market values, the bid may be accepted. This is also in line with the procurement arrangements agreed between Bank and KSTP under loan agreement schedule which says, “No negotiations are conducted even with the lowest evaluated responsive bidder”.

b) Bid Evaluation Report of RKI-Upgrading Uruvachal-Manakkai- Valayal -Kezhallur- Therur- - Vallaparmba- Karimbala Colony -Maruthaayi road for a length of 18.46 km in Kannur District under Rebuild Kerala Initiative.

The bid invitation was published in the dailies New Indian Express and Mathrubhumi on 26/08/2020 and in the Kerala e-tender portal on 27/08/2020 with last date of submission of bid as on 12/10/2020. The following bidders had submitted the bid:

Sl. No.	Name of Bidder	Nationality	Remarks
1	M/s. RDS Project Ltd.	Indian	Single Entity
2	M/s Engineering Projects India Ltd.	Indian	Single Entity

On evaluation of the technical bids by the PMC for RKI works, bids received from M/s. RDS Project Ltd. and M/s Engineering Projects India Ltd were found responsive to the requirements of the bidding documents and was recommended to be invited for opening of their price bids (2nd envelope) for further evaluation.

Accordingly, the price bid opening was done on 23/10/2020 at 15.45 hrs. The details are as follows:-

Sl.No.	Name of Bidder	Bid Amount (in Rupees)	Percentage Excess
1.	M/s. RDS Project Ltd.	Rs. 1035709671/-	7.53% above
2.	M/s EPI Project Ltd	Rs.1004264139/-	4.27% above

The price quoted by the lowest bidder M/s EPI Projects Ltd is Rs. 100.426 Cr against the estimated cost of Rs. 96.311 Cr. which is 4.27% above the estimate amount. The quoted amount is competitive considering estimated cost of Rs. 96.311 Cr. As the bidding process is valid and the bid was satisfactorily advertised with the qualification criteria not unduly restrictive and price is reasonable in comparison to the market values, the bid may be accepted.

Based on the aforesaid, the steering committee noted that as the bidding process is valid and the bid was satisfactorily advertised with the qualification criteria not unduly restrictive and price is reasonable in comparison to the market values, the bid may be accepted. This is also in line with the procurement arrangements agreed between Bank and KSTP under loan agreement schedule which says, "No negotiations are conducted even with the lowest evaluated responsive bidder".

The Steering Committee, after detailed discussions, resolved by consensus that:

Resolution 4:

a. *M/s RDS Project Ltd. may be awarded the work 'RKI-13-Upgrading of Kumbla – Badiadla - Mulleria Road: Km 0+000 (Kumbla) to Km 29+135 (Mulleria), at their quoted amount of Rs. 158.85 Crore, including GST.*

b. *M/s EPI Project Ltd. may be awarded the work RKI-Upgrading Uruvachal-Manakkai- Valayal -Kezhallur- Therur- -Vallapamba- Karimbala Colony -Maruthaayi road for a length of 18.46 km in Kannur District under Rebuild Kerala Initiative at their quoted rate of Rs. 100.426 Crore, including GST.*

Item No 6 : Strengthening of Trauma Care in Safe Corridor Demonstration Project.

(a) Strengthening of Trauma Care Services on SCDP- Govt. Medical College, Thiruvananthapuram -Biomedical work - Centralized Medical Gas Supply for Govt. Medical College, Tvp. m.

Strengthening of Trauma Care Services on SCDP- Govt. Medical College, Thiruvananthapuram -Biomedical work - Centralized Medical Gas Supply for Govt. Medical

Minutes of 116th Steering Committee of Kerala State Transport Project College Tyvm is entrusted to Kerala Medical Services Corporation Ltd, (KMSCL). The estimate amount of the subject work comes to Rs.32,11,430/- This was presented before the 109th Steering Committee held on 04.11.2020 .

Kerala Medical Services Corporation Ltd, (KMSCL) invited tender for the above work vide Tender No. KMSCL/EP/T357 B/2020 dated 08.01.2020. The tender was opened on 10.02.2020 at 11.30 am and M/s Blaze Systems and services was the only participant for that tender. The firm was selected as successful bidder by the Technical Committee of KMSCL. The result was published in e-tender portal and there were no complaints/ representations.

The estimated cost approved by KSTP for the Medical Gas pipeline work was Rs. 38,39,393.60/- which is higher by 28.5%. However, under the tender No. KMSCL/EP/T334/2019 KMCL has issued award of contract for 73 equipments under the same project, and there was a savings of Rs. 3,21,86,296.55/-. Since oxygen supply is very crucial in the trauma care department, KMSCL has requested that sanction may be accorded to execute the work of Medical Gas pipeline system for Government Medical College, Trivandrum at a total cost of Rs. 38,39,393,60/- Since oxygen supply is very crucial in the trauma care department and considering the request of KMSCL, sanction was accorded to KMSCL to award the work and proceed further.

(b) KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project (Kazhakuttom to Adoor)-Govt. Medical College, Thiruvananthapuram-Electrification in Trauma Careunit Ward No.7 and 8 at Medical College, Thiruvananthapuram- Part-I-Strengthening of Panel Board.- Request for Extension of Time.

The Electrification of Trauma Care Unit wards No.7 & and 8 at Medical College, Thiruvananthapuram-Part-I Strengthening of Panel Boards was awarded to the contractor M/s DSK Electric Power for a contract amount of Rs 45,81,430/- excluding taxes vide Agreement No 316/KSTP/PMT/PWD/2020 executed by the contractor on 07-01-2020 and completion period of the work was 3 months .The work commenced on 07-01-2020.

Now vide letter no DSK/K-12/01/2020-21 dated 20/08/2020, the contractor has requested to extend the time of completion up to 30/112020. The contractor has completed 95% of the work before 21.03.2020 and only power shutdown activities were pending and was not able to deploy their team due to prevailing Covid-19 situations in hospital premises.

The Executive Engineer PWD Electrical Division vide Letter No. EDT/DB1/2019/3299



Minutes of 116th Steering Committee of Kerala State Transport Project dated 22/10/2020 has recommended the request of contractor to extend the time of completion up to 30/11/2020 without imposing fine.

(c) KSTP II- Road Safety Capacity Building and Program Management- Strengthening Trauma care Services on SCDP-Kazhakottam to Adoor -GMC, Thiruvananthapuram-Electrification in Trauma Care units Ward No 7 and 8 at Medical College Thiruvananthapuram. -Part II- Air Conditioning- Request for Extension of Time

The Electrification of Trauma Care Unit wards No.7 & and 8 at Medical College, Thiruvananthapuram-Part-I Air Conditioning was awarded to the contractor Mr Sarath.S .S, Intimate Refrigeration & Air conditioners for a contract amount of Rs 42,28,597/- excluding taxes vide Agreement No 326/KSTP/PMT/PWD/2020 executed by the contractor on 03-08-2020 and completion period of the work was 3 months .The work commenced on 03-08-2020

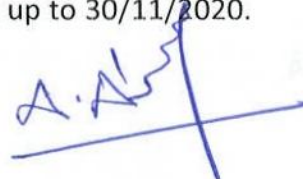
The contractor has failed to complete the work within the time of completion ie upto 01.11.2020 due to delay in getting approval for working caused due to Covid -19 and has requested to extend the time of completion up to 31/01/2021.The contractor has completed all works except grill fixing and commissioning and now the ceiling height clearance and civil work to be completed for completing the balance work.

The Executive Engineer PWD Electrical Division vide Letter No. EDT/DB1/2019/3299 dated 22/10/2020 has stated that the work has delayed due to Covid -19 pandemic situation and delay in civil work and Executive Engineer has recommended the application of contractor to extend the time of completion up to 31/01/2021 without imposing fine as the reason for the delay is genuine.

d) KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-I- Electrical Work - Request for Extension of Time

The Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-I- Electrical Work was awarded to the contractor Sri. N Sivaprasad for a contract amount of Rs 3,18,775/- excluding taxes vide Agreement No 317/KSTP/PMT/PWD/2020 executed by the contractor on 07-01-2020 and completion period of the work was 1 month .The work commenced on 08-01-2020

The contractor has failed to complete the work within the time of completion ie upto 07.02.2020 due to delay in civil construction of oxygen plant and has requested to extend the time of completion up to 30/11/2020.



The Executive Engineer PWD Electrical Division vide Letter No. EDT/DB3-Gel.317/KSTP dated 23/10/2020 has recommended the request of contractor to extend the time of completion up to 30/11/2020 without imposing fine.

(e) KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-II- SITC of 3TR Verticool Air Conditioner - Request for Extension of Time

The Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-II- SITC of 3TR Verticool Air Conditioner was awarded to the contractor M/s Maxsel Agencies for a contract amount of Rs 4,16,792/- excluding taxes vide Agreement No 318/KSTP/PMT/PWD/2020 executed by the contractor on 07-01-2020 and completion period of the work was 1 month .The work commenced on 08-01-2020

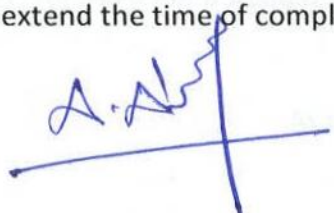
The contractor has failed to complete the work within the time of completion ie upto 07.02.2020 due to delay in civil work and electrification work and has requested to extend the time of completion up to 30/10/2020.

The Executive Engineer, PWD Electrical Division, Pathanamthitta vide Letter No. EDT/DB3-Gel.318/2019/3299 dated 22/10/2020 has recommended the request of contractor to extend the time of completion up to 30/10/2020 without imposing fine.

(f) KSTP II-'Road Safety Capacity Building and Programme Management Strengthening Trauma care Services on Safe Corridor Demonstration Project—Renovation of Trauma care Building of General Hospital, Adoor.- Request for Extension of Time

The renovation of Trauma care Building of General Hospital, Adoor was awarded to the contractor Mr Akhil. V.S for a contract amount of Rs 21,63,106/- excluding taxes with a completion period of 6months vide Agreement No 322/KSTP/PMT/PWD/2020 executed by the contractor on 05-03-2020. The work commenced on 13-03-2020.

The contractor failed to complete the work within the time of completion, i.e.upto 13-09-2020 due to lock down due to Covid -19 and Doctor in the hospital tested positive for Corona Virus and work was stopped. Hence, now vide letter no D2-949/2020- dated 11/09/2020, The Executive Engineer PWD Buildings Division, Pathanamthitta has recommended the request of contractor to extend the time of completion up to 13/01/2021 without imposing fine.



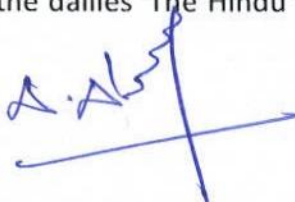
The Steering Committee, after detailed discussions, resolved by consensus that :

Resolution No. 5:

- a. Ratify approval accorded to KMSCL to award the work of Medical Gas pipeline system for Government Medical College, Trivandrum to M/s Blaze Systems at a total cost of Rs. 38,39,393,60/- following their procedures.
- b. Extension of time may be granted for KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-II- SITC of 3TR Verticool Air Conditioner upto 30-10-2020 without imposing fine.
- c. Extension of time may be granted for KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project (Kazhakuttom to Adoor)-Govt. Medical College, Thiruvananthapuram-Electrification in Trauma Care unit Ward No.7 and 8 at Medical College, Thiruvananthapuram – Part-II-Air Conditioning upto 31-01-2021 without imposing fine.
- d. Extension of time may be granted for KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-I- Electrical Work upto 30-11-2020 without imposing fine.
- e. Extension of time may be granted for KSTP II- Road Safety Capacity Building and Program Management-Strengthening Trauma Care services on Safe Corridor Demonstration Project Electrification of Trauma Care ICU and Oxygen Gas Plant at Taluk Headquarters Hospital, Kottarakara-Part-II- SITC of 3TR Vertical Air Conditioner upto 30-10-2020 without imposing fine.
- f. Extension of time may be granted for KSTP II-'Road Safety Capacity Building and Programme Management Strengthening Trauma care Services on Safe Corridor Demonstration Project—Renovation of Trauma care Building of General Hospital, Adoor upto 31-12-2020 without imposing fine.
- g. These are the final extensions. No further extension will be granted and fine will be imposed beyond the dates mentioned above.

Item No 7 : Establishing, Operating and Maintaining wayside amenities on land leased out by KSTP/ PWD under BOT Mode (Build, Operate, Transfer).

The tender notice of the work of "Establishing, Operating and Maintaining Wayside amenities on land leased out by KSTP/ PWD" was published on 26.07.2020 in the all India editions of the dailies 'The Hindu' and the 'Times of India' and in all Kerala editions of 'Mathrubhumi' and

AEE - 4


Minutes of 116th Steering Committee of Kerala State Transport Project 'Malayalala Manorama'. The tender documents were published in the e-tender portal on 03 Aug 2020. The above work was tendered for the following 9 locations along PWD roads:-

1. MC Road Near Gokulam Med. College
2. MC Road PWD Land near karettu
3. MC Road S-curve area
4. MC Road Akaman
5. MC Road Mylam area
6. MC Road Enatupalam
7. Thiruvalla – Kumbazha road, Thottabhagom
8. Ettumanoor – Eranakulam road, Thiruvelikunnu
9. Chalai Junction – Adjoining to PUKC road, Kannur

It was a single stage two envelopes bidding process. Only one bidder responded to the tender. In the first tender call, out of the bids invited for the above 9 sites, only one offer was received for one site at Chalai Junction, Kannur. For the rest of the 8 sites, the 115th Steering Committee decided to retender.

Due to the poor response in the 1st tender call, the following modifications have been made to make the RFP attractive to address & improve the poor response received.

- Construction period was reduced to 6 months in light of PWD's requirements while floating bids in 1st call, from the NHAI provision of 10 months. This period has been increased to 10 months, in line with the NHAI provisions.
- In chapter 2 – "Preparation of proposal" ; 2.2-C "Interest rate of delayed payment; Interest rate for delayed payment of lease rent has been changed from "15% per annum (simple interest)" to "State Bank of India's MCLR or fixed deposit rate prevailing during default period plus 3% ". Since 29 years is a very long period and 15% is very much on the higher side and above variable proposal shall absorb future variations and will not force the bidders to speculate in future and load their bids unnecessarily.

The Steering Committee noted.



Item No: (08)

- a) Bifurcation of Schedule H -Package 8 B – Component A 2 WB Funded-
Package 8B: Km 29+840 (Konni) to Km 60+000 (Placherry).

AE7/AE9/AE5

This work under World Bank funding taken up under Component A 2 as EPC Contract was awarded to M/s EKK Infrastructure. Agreement for this work was signed between KSTP and EPC Contractor on 22-08-20 for an amount of Rs. 279,00,00,000.00 (two hundred and seventy-Nine Crores) and appointed date (Commencement of Works) was issued with effect from 01-11-2019.

As per the EPC Agreement Schedule H which defines the procedure for payment as per weightage is given for items of work and in this work is divided into three main categories as under

Contract Value in Crores =		279.00	
	Category of Main Works	Weightage in % to the Contract Price	Total in INR Crores
A	Road Works including culverts , minor bridges underpasses , overpasses approaches to Major Bridges / Structures (But excluding Service roads)	45.18	126.052
B	Major Bridge works underpasses overpasses and ROB/RUB	0.77	2.15
C	Other Works	54.05	150.80
	Total	100	279.00

The category A shown is explained as example for clarity (Other details of bifurcation as enclosed in Annexure may please be referred).

Minutes of 116th Steering Committee of Kerala State Transport Project
 Again, under category "A" the percentages of payments are specified as per the Schedule H reproduced below.

SCHEDULE - H
 (See Clauses 10.1.4 and 19.3)
CONTRACT PRICE WEIGHTAGES

- 1.1 The Contract Price for this Agreement is Rs*****
 1.2 Proportions of the Contract Price for different stages of Construction of the Project Highway shall be as specified below.

Item	Weightage in percentage to the Contract Price	Stage for Payment		Percentage weightage
		1	3	
Road works including culverts, minor bridges, underpasses, overpasses, approaches to Major Bridges/ Structures (but excluding service roads)	45.18%	A	Widening and strengthening of existing road	
		1	Earthwork up to top of the sub-grade	2.08%
		2	Rock cutting	5.90%
		3	Granular work (sub-base, base, shoulders)	40.59%
		4	Bituminous work	26.61%
		5	Paver Block	5.90%
		6	Widening and repair of culverts	2.04%
		7	Widening and repair of minor bridges	0.76%

From the above table it is noticed that the two major items which affect the "Cash Flow" are SL. No 3 & 4. As an example, applying this to the present Contract the amounts receivable by the EPC Contractor under each item is as below

	Item description	Weightage	Weightage of total	Amount in Crores
1 A	Granular Work (sub-base, base, shoulders)	40.59	18.34	51.16
2 A	Bituminous Work	26.61	12.02	33.54

As per Schedule H: under such heading the payment for measurement can be made as per table below

Table 1.3.1

	Stage of Payment	Percentage weightage	Payment Procedure
A-Widening and strengthening			
1	Earthwork up to top of the sub-grade	2.08%	Unit of measurement is linear length Payment of each stage shall be made on pro rata basis on completion of a stage in a length of not less than 10 (ten) percent of the total length.
2	Rock cutting	5.09%	
2	Granular work (sub-base, base, shoulders)	40.59%	
3	Bituminous work	26.61%	
4	Paver Block	5.90%	

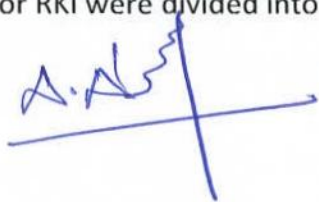
A minimum of 10 % of the length (Stage) is to be completed in all respects under SL. No 2 (Granular work) which includes GSB / WMM / Shoulder work by EPC contractor to receive payment. So even if the Contractor has completed 10 % of length of GSB Work, he will not receive any payment unless that stretch is completed with WMM and shoulder work also. This gives a setback for Cashflow since, WMM work is usually taken later when a substantial length of GSB is completed. Hence there is severe cash flow which impediments the progress of other works for which investment is necessary and the Contractors have requested for splitting into individual items. Added to this the situation due to "COVID" makes it necessary to have a better cash flow to achieve the Milestone and progress.

Accordingly, a sub bifurcation is made as below as suggested by the Authority Engineer and is contractually allowed as per Page 153 of the agreement as reproduced below: so that there is no such cash flow impediments.

Steering Committee noted.

b) Role and Monitoring of KSTP Road Works -Ongoing and to be tendered by District Development Commissioner's (DDC's) in the six districts

In order to rehabilitate the roads to be financed under Rebuild Kerala Initiative (RKI), PWD through Kerala State Transport Project (KSTP) carried out a road prioritization study for a total of 59 roads constituting 1609 km distributed in all the 14 districts of Kerala. These 59 roads listed were spread across north to south of the state having varying terrains – hilly, rolling, flood plain and coastal. Based on the prioritization exercise, around 800 kms of roads were identified for preparation of DPRs and award of work contracts covering rehabilitation and **climate resilience works** to minimize the damage in future calamities to the maximum extent possible. The roads prioritized for RKI were divided into 4 packages 1,2,3 & 4.



As the steering committee is aware of various road project upgradation works being taken up by KSTP under World Bank Development Policy Loans / KfW loans and under GoK 's own source, a proposal is hereby put up for closer monitoring of these road works by the ***District Development Commissioner's*** under the six districts viz: **Alappuzha, Kozhikode, Thrissur, Kannur, Kollam, Ernakulam.**

The DDC assigned to monitor these works will focus on all these aspects and ensure that there is no delay in projects. They shall be directly reporting the progress to the PD KSTP/Secretary PWD and take all actions for the works to be carried out within the specified time frames. The time frame for works varies from 18 to 36 months depending upon the length and facilities to be upgraded. No Land Acquisition is proposed as part of these upgradation road works to ensure timely completion. There is a Bonus clause also for early completion in the EPC Contracts to motivate the Contractors. All these Contracts are based on FIDIC Conditions and allows for fair trade practice for the employer as well as the Contractor.

To summarise the Broad Role of the DDC assigned for monitoring of these works, they shall

- ✓ Ascertain the nature of upgradation road works and involve themselves to monitor closely.
- ✓ Ensure there is no violation of ESHS compliance and gender equality.
- ✓ Timely intervention in clearing of utilities / trees / encroachers / etc. in the works to allow contractors to progress without delay.
- ✓ Arrange monthly review meetings with the Contractors, supervision Consultants, KSTP representatives and any other bodies required from time to time.
- ✓ Keep a close watch on the percentage progress and ensure timely disbursements of the payments to Contractors which is a key factor for progress.
- ✓ Report to PD KSTP/ Secretary PWD quarterly or prior SC meetings and appraise the situation of these works.
- ✓ A prior detailed compilation report from District Authorities and Police department on the number and fatalities in road accidents. This will be the base for comparing future accidents after the completion of the works.

The Authority Engineer / Supervision Consultants would provide all necessary official, and logistical arrangements for their work. A full-time vehicle too will be provided to DDCs. Cost of these will be reimbursed by KSTP to them.

The Steering Committee, after detailed discussions, resolved by consensus that:



Resolution No 6:

The roles and responsibilities assigned to the "District Development Commissioners" (DDCs) for time bound implementation of projects stand approved. KSTP/ RKI will provision necessary facilities for their smooth conduct including e-vehicles. A circular shall be issued by the Chairman, Steering Committee in this regard.

Item No: (09) Extension of Service

- Subharb*
- a) **Extension of the term of contract appointment of Smt.Lovely Vijayan, Accountant, in Finance Wing, KSTP.**

As per the agreement with World Bank, a Finance Manager and 2 Accountants are to be appointed in the Finance Wing of KSTP. Accordingly, two Accountants were appointed on contract basis with effect from 31.07.2006 and 18.02.2008 respectively and are continuing till date at a remuneration of Rs.27,500/- per mensem. The term of appointment of the accountant, Smt. Lovely Vijayan expired on 22.10.2020. Smt. Lovely Vijayan is a post graduate in commerce and well versed in the project accounting. As she is competent and hardworking resourceful person and her continued services are absolutely necessary in the Finance Wing of KSTP for handling accounts and other finance matters of the World Bank aided Project, the term of contract may be extended for a further period of one year up to 22.10.2021.

- b) **Extension of the term of contract of Sociologists of KSTP Divisions of Ponkunnam, Kannur and Muvattupuzha**

Additional Land Acquisition works were taken up with regard to Iritty bridge & Eranholi bridge. Land Acquisition works with Punalur-Ponkunnam Stretch are also underway. R&R distribution in Packages IV & V are yet to be completed. Hence the service of sociologists in KSTP Divisions Kannur, Ponkunnam & Muvattupuzha are very essential so as to complete all Land Acquisition processes time bound and before the end of loan period expiry. Presently three sociologists (one in each division) -Sri. Thomas Mathew at Ponkunnam, Smt. Jiji K. at Kannur and Sri. Nishad V. at Muvattupuzha is engaged on contract basis. Their period of contract is to expire on 31.12.2020. Considering their service in KSTP divisions, it is requested that the term of their contract appointment may be extended for a period of one year from 01.01.2021 to 31.12.2021. The present monthly remuneration of the contract Sociologists is Rs.27,550/- Per month, as per G.O (P) No. 81/2019/Fin dated 09.07.2019.

- c) **Extension of the service of Consultant -Water Utility Shifting - Sri. P.A.Rasi.**

Sri. P.A.Rasi, Retired Executive Engineer, KWA was appointed as consultant Water Utility Shifting in KSTP on contract basis at a monthly remuneration of Rs. 25000/- per month ,for a period of one year from 19/11/2013 to 18/11/2014. This was in accordance with the decision taken in the 73rd Steering Committee. His term was further extended upto 18/11/2015 by the 84th Steering Committee with the enhanced remuneration of Rs.35,000/-The 94th Steering committee ratified his service from 19/11/2015 to 18/11/2016 & also extended his service from 19/11/2016 to 18/11/2017 with the same remuneration. The 98th Steering committee extended his service from 19/11/2017 to 18/11/2018 with a monthly remuneration of Rs.35,000/-including TA Plus DA .The 104th and 110th Steering Committees had extended his service for one year each up to 18/11/2019 and 18/11/2020 respectively, with the same remuneration. As his services are essential for the completion of balance works, his service may be extended for one year from 19/11/2020 to 18/11/2021 with a monthly remuneration of Rs.35,000/-only.

The Steering Committee by consensus resolved to

Resolution No.7:

- a. Extend the term of contract service of Smt. Lovely Vijayan, Accountant, KSTP for one year upto 22.10.2021 at a remuneration of Rs.27,500/- per month.
- b. Extension of contract appointment of sociologists at the Ponkunnam , Kannur & Muvattupuzha divisions for a further period of one year from 1st January 2021 to 31st December 2021 with a monthly contract pay of Rs.27,550/-.
- c. Approval for extension of service of Sri. P.A.Rasi for one year from 19/11/2020 to 18/11/2021 with a monthly remuneration of Rs. 35000/- including TA Plus DA .

Meeting concluded at 5.40 PM on 28.10.2020 with thanks to the Chair.

Mr. Rajesh Kumar Singh

ACS, Finance

28/10/20

Dr Vishwas Mehta,

Chief Secretary