

SPEED POST

No. E/III/C/MISC/Vol-~~1X~~ 1X
Office of the CDA, Udayanvihar,
Narangi, Guwahati – 781 171.
Date : 15/06/2017.

To,

HQ CESZ Shillong
SE Falls, Shillong – 793 011.

Subject : Regularization of variation in quantities and prices beyond the tendered scope of work included in the Contract through Deviation Orders (DO)/Amendments to contract.

Reference : This office letters even no. dated 10/11/2016, 28/12/2016, 03/02/2017 & 09/03/2017 and HQ CESZ Shillong letter No. 88501/CWE/TEZ/833/E8 dated 03/12/2016 & 88501/CWE/TEZ/935/E8 dated 02/03/2017.

Kindly refer to HQ CESZ Shillong letter dated 02/03/2017. Para wise comments on the issue are appended below.

Para-2(a) : The various authorities quoted in our earlier letters stipulate the limits of deviation for various contracts and procedure for their regularization. The particular CA and its connected documents forwarded vide our letter dated 28/12/2016 to your HQ office as desired by them was for an example. But the basic rule on the issue is that the contract executing authority can deviate from the quantities and prices up to the prescribed limit and the variation is required to be regularized through DO/Amendment to contract.

Para-2(b) : This office has never pointed out that the quantities and prices cannot be varied beyond the tendered/contracted scope of work. The issue was for regularization of the variations.

Para-3 : Not agreed to. The Trade/Section wise items of works can easily be included in a single schedule as individual Trade/Section wise SSR Sl. No.s are quoted in AE Part-II and Costed Schedule of works.

Para-4 : Not agreed to as the issue is complete violation of laid down procedure. In view of above and to honour the contractual obligation, the competent authority has decided to admit all final bills signed and submitted by the contractors on or before 02/03/2017 raising the observations through MFAI for regularization of the variations by the CFA. Bills signed and submitted by the contractor on or after 03/03/2017 without DO/Amendment for the variations will not be admitted in audit till regularization by the CFA.

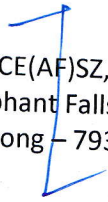
This is for your information and necessary circulation to all concerned under your control.

Please acknowledge receipt.


(Dr. K. Lalbiakchhunga, IDAS)
Asst. Controller

Contd...../2

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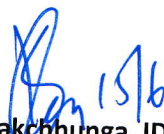
01	<p style="text-align: center;">  </p> <p>HQ CE(AF)SZ, Shillong Elephant Falls Camp Shillong - 793 009.</p>	<p>Kindly refer to this office letters even no. dated 10/11/2016, 28/12/2016, 03/02/2017 & 09/03/2017. No communication on the subject issue has been received from his HQ office so far. However, based on Para-4 of HQ CESZ Shillong letter dated 02/03/2017 (copy enclosed), the competent authority has decided to admit all final bills signed and submitted by the contractors on or before 01/03/2017 raising the observations through MFAI for regularization of the variations by the CFA. Bills signed and submitted by the contractor on or after 02/03/2017 without DO/Amendment for the variations will not be admitted in audit till regularization by the CFA. This is for your information and necessary circulation to all concerned under your control.</p> <p style="text-align: right;">Please acknowledge receipt.</p>
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Encl : As above

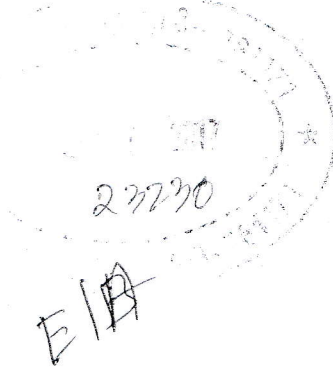
NOO :

02	<p>All AOs GE/AGE(I) (Army & Air Force)</p>	<p>For information w.r.t. this office letters under reference along with a copy of HQ CESZ Shillong letter dated 02/03/2017. Payment of RARs may also be regulated as per decision taken by this office.</p>
03	<p>The OI/C (EDP Cell) (Local)</p>	<p>With a request to send the letter along with its enclosure in official email of all AOs GE/AGE(I) (Army & Air Force).</p>

Encl : As above


 (Dr. K. Lalbiakchung, IDAS)
 Asst. Controller

ie : 790-6921 (Mil)
: 0364-2534846 (Civ)
Fax : 0364-2537640
E-Mail: ceshiz-ec-army@nic.in



HQ Chief Engineer
शिलांग आंचल
Shillong Zone
एस. ई. फाल्स
Spread Eagle Falls
शिलांग-७६३०११
Shillong-793011

02 Mar 2017

88501/CWE/TEZ/935/E8

CDA
udyan Vihar, Narangi
Guwahati-781171

REGULARISATION OF VARIATION IN CONTRACT THROUGH DEVIATION ORDER (DO)
AMENDMENTS TO CONTRACT

1. Ref your letter No E/III/C/Corr/Vol-VIII dated 28 Dec 2016.
2. Comments on letter under reference are as under:-
 - (a) **Para-1** - You have referred Para 435 of RMES but the same deals with deviation on the contract which cannot be avoided during actual execution of works. In the subject work there had been no deviations from the scope of work. It is submitted that work as originally catered for in the contract has actually been executed at site of work but there were variations in finally executed quantities than that catered for in BOQ. Further Para 3.14.1.5 of MES Manual on contracts, 2007 relates to a situation where there are major changes in the tendered scope of work. In the subject matter there has been no change in the tendered scope of work as intimated hereinbefore. Para 13.4 of MES Manual on Contracts, 2007 is not attracted in the instant situation. Moreover, Para 19.4.2 of Manual on Contract, 2007 relates to issuing of one combined order for a number of deviations as such not applicable in the situation raised by your office.
 - (b) **Para-2** - It may be appreciated that contract as has been entered upon is a measurement contract wherein all the quantities of BOQ are provisional. As such, these quantities are bound to vary on actual execution of works.
3. Aforesaid points have also been observed by your office in other numerous final bills as well and final bills have been returned/being returned by your office unpassed to GEs mainly on the ground of variation in quantities of items as per condition 7 of IAFW 2249. It is pertinent to bring out that consequent upon introduction of e-tendering, all the items of works are necessarily required to be included in one BOQ and work cannot be tendered in different schedule 'A' sections. In the absence of different schedule 'A' sections, it is very difficult to divide the work in twenty nine sections as catered for in SSR Part II for final bill already processed to avoid contractual complications and delay in finalization since sanction of NHEA shall be required for issue of amendment to contracts.
4. In the aforesaid circumstances it is requested that one time waiver may please be accorded for such cases wherein final bills have been prepared and signed by the contractors. For other final bills, necessary directions are proposed to be passed to all CWE/GE's to prepare necessary agreement/amendments where there are variations as observed by your office.
5. This has approved of CE.

(J K Khurana)
Dir (Contracts)