

**OFFICE OF THE JT. FINANCIAL ADVISOR (IAB/BUDGET)**  
**NODAL CELL**  
**NDMC : PALIKA KENDRA : NEW DELHI**

No.: 164/IAB.....Date: 16.07.2021**Sub.: Preparation of Justification Statement of tenders****ADVISORY**

1. Finance Department, NDMC, in a no. of cases, had objected to various departments getting Justification Statements prepared/finalized much after the prescribed timelines of CPWD Manual 2019, and, did not concur the cases. Departments quoted an earlier circular of 2013 issued by Finance Department in support of their action, which may not be considered sufficient since the manual had been adopted by Council with all its amendments and the said letter stood superseded consequent upon notification of CPWD Manual 2019.
2. Further, Finance Department had also pointed out that in many cases departments based the justifications on quotations (on record), dated much before or after the prescribed date, though Manual prescribes rates prevailing only on last day of receipt of tenders.
3. Chief Engineer (Civil-I) has, in pursuance of advice of Finance Department, has already issued a circular dated 31.05.2021 (Annexure-I) laying down the timelines to be adopted by the department, which settles the issue regarding timelines.
4. Detailed discussions were held with HODs and Sr. Officers of Civil Engg./Elect./Horticulture Deptt. by FA on 06.07.2021. Record of Discussion is appended as Annexure-II.
5. So far as the issue of need for quotations or otherwise in preparation of justification statement is considered, the same does not seem to be specifically mentioned in the Manual, but engineers do adopt it for assessment of rates. Finance Department, to that extent is rightfully pointing out that wherever quotations have been used, they must be on last day of receipt of tenders. However, for future it would be appropriate that Chief Engineer (Civil-I) frames guidelines regarding preparation of justification statements, need for quotations and the form and manner in which they can be utilized, for uniformity in application.
6. Considering the above in view, following course of action would be appropriate, and, the concerned departments are advised as follows:
  - a. The circular dated 31.05.2021 (Annexure-I) issued by Chief Engineer (Civil-I) may be made applicable to all departments uniformly and similar circular may be issued for qualitative preparation of justification statements including use of quotations by Chief Engineer (Civil-I).
  - b. So far as previous cases objected to by the Finance Department are concerned, the natural course of action in these cases would be to go for re-tendering since procedural deviation affects the credibility of decision making process and transparency aspect in public procurement.
  - c. Any case, which in the opinion of the department(s) needs to be considered otherwise, on their specific merits, may be decided on a case to case basis on strength of reasons/justifications furnished.

(This issues after approval of Chairperson, NDMC)

*Khanna*  
 16-7-2021  
 Jt. F.A.(IAB/Budget)  
 Nodal Cell

Encl.: As above.

Copy to:

1. P.S. to Chairperson for kind information of Chairperson, NDMC.
2. P.S. to F.A. for kind information of FA, NDMC.
3. P.S. to Secretary for kind information of Secretary, NDMC
4. Director (Finance)
5. Director (Accounts).
6. All HODs.

**OFFICE OF THE FINANCIAL ADVISOR  
NEW DELHI MUNICIPAL COUNCIL**

**STANDING ORDER NO.01/2021**

**Sub:Streamlining Financial Instruction(s): Standing Order (s)**

1. A system for issue of Standing Orders had been formulated in Finance Department vide Standing Order No. 2/2003-04 and certain Standing Orders were issued from time to time. These standing orders were to be controlled by Central Diary Section and was later assigned to Unit II of Finance Wing. As per records available in Finance Wing, only 15 standing orders had been issued last in year 2005. While there has been a dire need to bring uniformity in financial procedures and have single authenticated mode of communication for improved financial prudence in the system, it appears that the good practice of using these standing order system has not been leveraged to the fullest. In view of the above, entire system has been reviewed and following instructions are issued for information and compliance of all concerned.
2. Finance Deptt. will be responsible for issue of Standing Order(s) as needed from time to time. The orders would be issued serially numbered and made available on website of NDMC/Finance Deptt. All authorities exercising delegated financial powers and their associated finance would need to refer to them in exercise of their day to day work and ensure compliance.
3. The task of maintenance and up-dation of these orders shall now vest with Internal Audit Branch which will have a nodal cell responsible for this task among others as assigned from time to time. To start with, the work will be managed through internal re-allocation of resources. This cell will be the repository of financial rules, regulations and instructions as a standard reference point. The Cell would also look into the financial controls available in the system and work on their strengthening for both manual and computerized environments. The cell will work under administrative control of Financial Advisor, NDMC.
4. The standing order(s) will be issued to clarify various issues observed in financial scrutiny and to streamline the processes. Any unit of finance, including budget, accounts & CBS, on sensing the need for a standing order would send a

draft for the same to Nodal Cell, IAB with justification and approval by the concerned Jt.FA/CAO. The nodal cell, would examine the same and seek consultations from other wings, if necessary before processing the same for approval of Chairman, NDMC. After approval, a SO no will be allotted and the same will be circulated/uploaded on website. The documentation will be maintained in the nodal cell for record. Noting(s), if any received from the other divisions will also be retained and certified copies will be returned for their record.

5. All interpretations/clarifications on such standing orders will be issued under approval of Financial Advisor, NDMC.

6. Any other division may also request Nodal Cell IAB to issue a standing order(s) in case required. However they should send the suggestion only under approval of head of the department and in consultation with associated finance.

7. The Nodal Cell would, immediately review the existing instructions to examine their continued relevance. If needed they would be superseded/recirculated afresh in the new series of Standing Orders commencing from January 2021. This standing order would accordingly be numbered SO-01/2021.

8. This SO supersedes the SO issued earlier vide SO no 2/11.08.2003 in its entirety.

This issues with the approval of Chairman, NDMC.

**FINANCIAL ADVISOR**

**Copy to:-**

Digitally signed by PUSKAL  
UPADHAYAY 1. PS to Chairperson for information please.  
Date: Mon Feb 01 13:14:25 IST 2021  
Reason: Approved

2. PS to Secretary for information please.
3. Director (Finance).
4. Jt. F.A.
5. Dy. F.A.-I
6. Dy. F.A.-II
7. Dy. F.A.-III

**OFFICE OF THE FINANCIAL ADVISOR  
NEW DELHI MUNICIPAL COUNCIL**

Previous Standing order	Date	Current Standing Order	Date
Streamlining Financial Instruction(s): Standing Orders		Streamlining of Contract Renewal/Extension in NDMC -	
No. 01 of 2021	01.02.2021	No. 02 of 2021	10.03.2021

It is observed that significant number of cases pertaining to renewal/extension of ongoing contracts/ services, annual maintenance contracts of IT, Electrical etc. are being processed in a routine manner and forwarded to Finance Division. A large number of cases are being received for extension/renewals much after the lapse of original contracts, sometimes as much as two years after expiry of contract, by violating the guidelines circulated by the Secy, NDMC vide Circular No. 221/PS/Secy./D/05 dated. 22.08.2005.

2. Attention of all administrative/financial authorities is drawn to the provision of Rule 22 of GFR 2017 regarding expenditure from public funds, which specifically prohibits incurring of any expenditure or entering into any liability involving expenditure unless the same has been sanctioned by the competent authority.
3. On one hand, allowing service providers to continue their services after validity is fundamentally wrong in terms of the rule 22 of GFR, on the other, it makes difficult to confirm veracity of past services in such cases.
4. Financial prudence necessitates that services being obtained by NDMC must be based on current prevalent rates leveraging competition. Extensions to ongoing contracts in a routine manner limit the scope for NDMC to benefit from competition. It is expected that the period of contract/service be decided pragmatically keeping in view the actual requirement and extensions need to be a matter of exception than of rule.
5. In view of above, following directions are issued for strict compliance henceforth :-
  - a. All HODs should immediately review the existing ongoing contracts in respective divisions/departments and keep a close watch on the period of validity.
  - b. All proposals for renewal/extension must be initiated sufficiently in advance and must reach in FD, six weeks before expiry of validity. (wherever concurrence of FD is required).
  - c. All cases for ex-post facto renewals/extension must indicate the reasons for non initiation of proposal in time causing violation of Rule 22 and documented proof indicating rendition of service by the provider, during the part period.
  - d. All HODs are requested to immediately get prepared a list of all contracts which are operating beyond their period of validity and render to the Finance, Department by 15.03.2021

**(PUSKAL UPADHYAY)**  
F.A, NDMC

1. All HODs
2. PS to Secretary for kind information
3. PS to Chairman for kind information

**NODAL CELL  
NEW DELHI MUNICIPAL COUNCIL  
PALIKA KENDRA : NEW DELHI**

<b>Previous Order</b>	<b>Standing Order</b>	<b>Date</b>	<b>Current Order</b>	<b>Standing Order</b>	<b>Date</b>
<b>Standing Order No. 2</b>	<b>of</b>	<b>10.03.2021</b>	<b>Standing Order No. 3</b>	<b>-</b>	
<b>Streamlining of contract Renewal/extension in NDMC</b>	<b>in</b>		<b>Checklists</b>		

**Sub : Checklists**

During examination of cases received in F.D., it has been observed that necessary information/documents are not made available. As a result, the proposals are returned not once but a number of times thereby delaying requisite approvals and the projects.

2. In order to speed up disposal of files in F.D., Nodal Cell has prepared checklists in r/o various proposals e.g. Procurement, AA-ES to Works, Tender cases, spot quotations etc. The purpose of providing checklists is to ensure that the cases are submitted for examination/scrutiny/approval as per laid down procedure and are supported with relevant documents.

3. Before finalizing, comments of Civil & Electrical Chief Engineers, Director (Horticulture) - North & South, were solicited to no inputs. The checklists so prepared are majorly based on the checklists provided in the CPWD Works Manual as well as those circulated earlier vide No. Dir(Fin)/218/2005 dated 07.06.2005, with the very purpose to reduce number of observations / number of times a case file is returned for clarifications.

4. Considering that financial powers are to be exercised in consultation with associate finance, it is imperative that in the first instance the checklist is examined by concerned A.O. / Sr. A.O. / Associate Finance while forwarding the proposal to HoD for examination in Finance Department.

It is enjoined upon all concerned to fill in each and every column of relevant checklist as ready reference for examination. If 'not applicable', N/A should be recorded instead of leaving a column blank. Reference of page number where relevant information/document is placed shall also be mentioned for ease of reference.

5. The HoDs will ensure that the checklists and case specific requirements have been attended to. It is, however, mentioned that the checklists are only illustrative and not exhaustive.

6. All cases in r/o which checklist(s) have been issued, shall be examined only along with checklist with immediate effect. Cases without checklists or incomplete checklists will be returned by concerned Dy. Financial Advisor.

**This issues with the approval of Chairperson, NDMC.**

**Jt. Financial Advisor**

Copy to :

1. All H.o.D.s
2. Director (Finance) - for information
3. P.S. to F.A. - for information fo F.A.
4. P.S. to Secretary - for information of Secretary
5. P.s. to Chairperson - for information of Chairperson

## **CHECKLISTS**

### **Checklist No. 1**

Reg. Procurement of Goods and devices - generally applicable to Health, IT and other procuring units.

This includes procurement on nomination basis as such cases do not require tender stage and are done with OEM certificate as per Manual or PAC (GFR 166)

### **Checklist No. 2**

Reg. Tender cases processed in r/o SL 1 and includes the tender checklist in practice

### **Checklist No. 3**

Reg accord of AA-ES in r/o works

### **Checklist No.4**

Reg. Accord of expenditure sanction for particular project of Health Deptt on PPP mode for collection and transportation of municipal solid waste in selected NDMC circles

### **Checklist No. 5**

is in r/o Establishment matters

### **Checklist No. 6**

Reg. extension of contract

### **Checklist No. 7**

Is in r/o 'Approval in Principle' cases forwarded by Secretary/Chairperson only

### **Checklist No. 8**

For spot quotations/quotations

### **Checklist No. 9**

Reg. arbitration award

### **Checklist No. 10**

Scrutiny of tender cases in r/o works

### **Checklist No. 11**

In r/o execution of deviations

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### **Checklist No. 1 - For procurement of Goods/Services – Preliminary Estimate**

S. No.	Item of Information	Information wrt Col.2	Page No. on the noting/
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(1)	(2)	(3)	correspondence side (Referencing) (4)
1.	Name of the department/ division/ User Department.		
2.	Name of work		
3.	Expenditure- Capital or Revenue – as per Rule 98 of GFR 2017		
4.	Details of Budget Provision and availability of funds.		
5.	Whether the item(s) of procurement is against fresh requirement or replacement against condemnation.		
6.	If it is a fresh requirement – prior Approval In Principle and justification thereof.		
7.	If it is against condemnation, condemnation report may be enclosed. (GFR-217)		
8.	If replacement before completion of prescribed life – prior AIP and Justification thereof.		
9.	Whether buy back provision has been made – GFR 176		
10.	Whether the item is available on GeM. If not available on GeM, NA certificate in this regard Reasons for procurement outside GeM		
11.	Estimated cost of procurement.		
11a.	Specifications of the item are general in nature, not indicating a requirement for a particular trade mark, trade name or brand.		
11b.	Proposed quantity for procurement is not in excess of requirement to avoid inventory carrying cost.		
11c.	Proposed item/items to be procured should meet the requirement of the user department in all respect.		
12.	Mode of procurement. i.e. Open Tender/limited tender/Global Tender/nomination based with Proprietary Article Certificate (PAC)/nomination based without PAC/GeM.		
13.	Reasons for procurement other than GeM.		
14.	Whether procurement is proposed on a PAC/nomination/single source basis. a. Detail of AA-ES		

	b. Proprietary Article Certificate (PAC) in terms of GFR 166 (reproduced at <b>Note</b> below)		
15.	Whether procurement involves AMC/CAMC. Details thereof		
16.	All the papers in the file should be properly indexed and linked.		
17.	Any other information specific to the proposal		
18.	Specific recommendations of the department		
19.	Certification that the medicines/material taken in the Estimate is not more than the average of last three years. Details be added		
20.	Stock position of medicines/materials as on date recorded.		
21.	Scrutiny by Associate Finance		
22.	Specific recommendations of HOD		

Note :

“Proprietary Article Certificate in the following form is to be provided by the department before procuring the goods from a single source under the provisions of sub Rule 166(i) and 166(iii) as applicable:

- i. The indented goods are manufactures by M/s .....
- ii. No other make or model is acceptable for the following reasons:  
.....
- iii. Concurrence of finance wing to the proposal vide: .....
- iv. Approval of the competent authority vide : .....

Signature of the Indenting Officer  
With date and designation”

**Checklist No. 2 - Tender cases in r/o Procurement of Goods/Services**

S. No.	Item of Information	Information wrt Col.2	Page No. on the noting/ correspondence side (Referencing)
	(2)	(3)	(4)

(1)			
1.	A/A & E/S by the competent authority with reference of Budget Provision & HoA for this work in Budget Book		
2.	Whether Bid document/tender document/RFP/NIT has been approved by the competent authority.		
3.	Budget Provision and availability of funds		
4.	Mode of procurement. i.e. Open Tender/limited tender/Global Tender/nomination based with Proprietary Article Certificate (PAC)/nomination based without PAC/GeM		
5.	Reasons for procurement outside GeM		
6.	Certificate w.r.t. non availability on GeM		
7.	Earnest Money Deposit		
8.	Whether justification for mode of procurement in terms of GFR has been provided		
9.	Whether the minutes & recommendations of the Technical Evaluation and Financial Tender committee enclosed.		
10.	Criteria for selecting L-1 (along with comparative statement of both technical and financial bids duly signed and certified.		
11.	Validity of tender/bid upto		
12.	Whether all the terms and conditions of the NIT/RFP/Bid documents have been complied with		
13.	Name and Quoted rates of L-1		
14.	Whether reasonability/justification of rates has been established		
	Certificate w.r.t. reasonableness of offer of L-1 as also circulated by Finance vide circular 17.9.2020		
15.	Number of call i.e. 1 <sup>st</sup> call or otherwise If otherwise, detail of previous call		
16.	Whether procurement involves AMC/CAMC. Details thereof		
17.	Whether warranty/guarantee clauses of the tender have been complied with		
18.	Whether MoU signing is involved, if yes, details thereof.		
19.	All the papers in the file should be properly indexed and linked.		
20.	Any other information specific to the proposal		
21.	Whether tender checklist duly filled in and signed by Associate Finance and concerned A.O. (copy enclosed)		
22.	Scrutiny by Associate Finance		

23.	Specific recommendations of HOD		
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**Checklist No. 3 – In r/o Administrative Approval and Expenditure Sanction for Preliminary Estimate/ Revised Preliminary Estimate (General)**

S. No.	Item of information	Information w.r.t. Col (2)	Page No. for reference
(1)	(2)	(3)	(4)
1.	Details of the proposal – whether Detailed Project Report prepared and got approved from the competent Authority, if applicable		
2.	Whether Approval in Principle obtained. If otherwise, reasons thereof		
3.	Details of directions/instructions issued by any other authority i.e. Govt. of NCT/CPWD etc., if any, in this regard.		
4.	Whether Budget Provision exists under appropriate COA. May be mentioned.		
5.	Justification for requirement of the proposal – Whether the estimate prepared in accordance with the requirement of the User Deptt. keeping in view the norms approved for such works.		
6.	Whether the title of land is clear? Whether site is available to start the work?		
7.	Whether approvals of Central Electricity Authority/DUAC/NGT or any other authority is required, if yes, a copy of the same be added.		
8.	Estimate prepared on DSR/SIR/Market/PAR/STT rates/Last approved rates/others – Basis of cost estimation		
9.	Lay out plan/Drawings/existing/proposed duly signed by the HOD		
10.	If PE is for replacement/ strengthening/augmentation of existing service Has prescribed and useful life been served and survey report got approved Recommendation of Condemnation committee appointed for the purpose needs to be added.		
11.	If the assets/system has not served their useful life approval of the competent authority obtained for replacement with justification thereof.		
12.	Proposal checked by Planning.		
13.	Whether in case of Revised Estimate due justification for expenditure in excess of permissible limits of A/A & E/S has been given? Whether prior approval of the authority has been obtained for committing liability in		

	excess of laid down limit? If not, detailed reasons thereof.		
14.	Whether Clearance of the project from Chief Architect is required, if so, the same may be added.		
15.	Certificate to the effect that estimate is prepared as per (i) Standard Scales/specifications, (ii) actual requirement and is not inflated, (iii) correctness of data and information.		
16.	If higher specification over the prescribed one is taken, reasons along with approval of the competent authority may be added.		
17.	Estimate for addition and alterations processed in terms of provisions of CPWD Manual as amended from time to time, Detail of previous repairs and. Wherever cost of work is chargeable to occupants, provision take in the estimate accordingly – has been recorded		
18.	In case where Works covered under MP/MLA LAD Fund, certificate duly signed by the concerned deptt. to the effect that the work covered under which para of guidelines issued by Govt. of NCT for this purpose be recorded and added.		
19.	Whether consent and funds have been received for execution of work under MP/MLA Fund.		
20.	Specify HoA and whether expenditure can be charged on Smart City Project/JNNURM or any other scheme of Central/State Govt.		
21.	In case of Revised P.E., reasons for cost enhancement beyond codal permissible limit of 10% of AA-ES		
22.	All the papers in the file should be signed/ authenticated by concerned department.		
23.	Examination from Planning/HDM.		
24.	Scrutiny by Associate Finance.		
25.	Specific recommendation of the Administrative Division/HOD.		

**Check List No. 4 – Reg. E/S for the work “PPP Project for the collection and transportation of Municipal Solid Waste in selected NDMC circles”– Monthly payment thereof to the Concessionaire i.e. Metro Waste Handling Pvt. Ltd. (Public Health Deptt.)**

S. No.	ITEMS	YES/NO	PAGE NO.	REMARKS
1.	NAME OF WORK			
2.	Month of the Bill			
3.	Amount of Expenditure Sanction			

4.	Whether Associate Finance i.e. AAO(PH) and A.O.(PH) has scrutinized the case.			
5.	Whether following reports relating to O& M requirement of Concession Agreement are attached:- a) Health Awareness activities report b) Repairing of bin report c) Bin washing report d) Painting of bins report e) Complaint redressal log report f) Vehicle distance report g) Stock register report for PPE distribute.			
6.	Whether satisfactory report received from Independent Consultant is as per Schedule E of the agreement and the same is verified by the CMO/MOH. A certificate duly signed by CMO/MOH to this effect may be added.			
7.	The work has been done satisfactorily as per the terms and conditions of the agreement and as per O&M requirements as per Schedule 'D' of the agreement.			
8.	Whether satisfactory report (as per S.No.7 above) attached in respect of all the terms and conditions of agreement including OSRT duly signed by CMO/SMO/MOH. The same may be added			
9.	Is there any penalty imposed as per Annexure I of O & M requirement as per agreement? Reasons/justification thereof			
10.	Whether copy of earlier Council Resolution in which the information of total expenditure incurred in every quarter attached			
11.	Sufficient budget exists under concerned HOA in the financial year			
12.	Certification attached for Correctness of data, facts and calculations of the bills			

13.	The bill produced /submitted by the Independent Consultant has been checked/verified with the weighment slips duly signed/stamped by authorized NDMC officials. A certificate to this effect may be added			
14.	Certification wrt Satisfactory Performance of Independent Consultant as per Part B of Schedule E of the agreement			
15.	Whether CMO/SMO/MOH checked the weighment bridge as per terms and conditions of agreement			
16.	Whether CMO and SMO follow the terms and conditions of Agreement			

**Check list No. 5 – In r/o Establishment Matters**

<b>S. No.</b>	<b>Item of Information</b>	<b>Information wrt Col.2</b>	<b>Referencing/ Page No.</b>
<b>1.</b>	<b>2.</b>	<b>3.</b>	<b>4.</b>
1.	The proposal is on the request of Individual/Cadre.		
2.	The request considered is covered under the FR/SR or Govt. orders, specify		
3.	Recruitment Rules, if required, have been enclosed		
4.	Financial implication/Recurring Financial implication worked out by the department and placed in the file.		
5.	Provisions as per NDMC Act 1994		
6.	Opinion of Law Deptt., if required in particular case		
7.	Scrutiny by Associate Finance.		
8.	Specific Recommendations of the HOD		

**Check List No. 6 - for Extension of Contract**

<b>S. No.</b>	<b>Item</b>	<b>Information wrt Col.2</b>	<b>Reference page No.</b>
<b>1.</b>	<b>2.</b>	<b>3.</b>	<b>4.</b>
1.	Name of work		
2.	Name of Agency to whom the work was awarded.		
3.	A/A & E/S amount, approval of the competent authority.		
4.	Tendered amount of the work		
5.	Stipulated date of start and completion and contract period		
6.	Detail of all previous extensions.		
7.	Period of proposed extension.		
8.	Financial implication over the Agreement amount		

	due to extension of contract		
9.	Justification of extension/reasons for not going for e-tender or GeM portal		
10.	Provisions of the contract under which extension is proposed.		
11.	Satisfactory work report		
12.	Default, if any (details)		
13.	Consent of the agency to take up the work as per existing terms and conditions of the agreement in respect of proposed extension.		
14.	Entering of supplementary agreement for the extended period mentioning the period/terms and conditions/agreement amount, wherever applicable		
15.	Availability of sufficient funds as per relevant COA.		
16.	Overall expenditure on work including extension of contract remains within the codal limit of AA& ES or otherwise.		
17.	Examination/recommendations of concerned planning/HDM, if any.		
18.	Scrutiny by Associate Finance.		
19.	Recommendations of the HOD to the proposal.		

**Check list No. 7 - for Approval in Principal Cases (Only if referred by approving authority)**

S. No.	Item of Reference	Details wrt No.2	Reference/ Page No.
1.	Name of the work to which AIP is required.		
2.	Reasons for seeking AIP from the competent authority		
3.	Whether fresh or replacement work?		
4.	If replacement work, whether the existing one has served its useful life or not.		
5.	If existing one has not served its useful life, justification of the proposal		
6.	Justification for the proposed work		
7.	Title of land		
8.	Availability of site		
9.	Detailed Project Report, if any		
10.	Whether execution of the proposed work is responsibility of NDMC.		



11.	Details of directions/instructions issued by any other authority i.e. Govt. of NCT etc., if any, in this regard.		
12.	Feasibility of the proposed work		
13.	Whether the proposal is based on the request of user deptt. If yes, the same may be incorporated		
14.	Proposed expenditure is chargeable to Smart City/JNNURM/Chart of Account/Others		
15.	Comments/recommendations of HOD concerned.		

**Checklist No. 8 - for spot quotation/quotation**

S. No.	Item of Reference	Details w.r.t col.2	Referencing/ page no.
1.	Name of work		
2.	Estimated amount		
3.	Detail of AA-ES		
4.	Whether proposed work falls under Inescapable nature as per CPWD Manual Chapter 1 clause 1.5		
5.	Certificate in r/o Emergency work by CE/HOD in terms of CPWD Circular No.DG/MAN/408 dated 23.06.2021.		
6.	Prior approval for inviting quotations.		
7.	Authority competent for proposed award as per DoFP.		
8.	Whether replacement work, if yes, the existing one has served its useful life. If not, reasons thereof.		
9.	Certificate to the effect that estimate is prepared as per Standard Scales/specifications.		
10.	If higher specification over the prescribed one is taken, reasons along with approval of the competent authority may be added.		
11.	Date of inviting/opening of quotations.		
12.	Date of preparation of justification (as per manual)		
13.	No. of quotations and eligible firms.		
14.	Justification of rates		
15.	Last approved rates		

16.	Certificate w.r.t. Reasonability of rates		
17.	Examination by Planning		
18.	Checked by Associate Finance		
19.	Recommendation of HOD		

**Check List No. 9 - for Arbitration Award**

<b>S. No.</b>	<b>Item of Reference</b>	<b>Details w.r.t col.2</b>	<b>Referencing/page no.</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1.	Name of the work		
2.	A/A&E/S, Tendered amount of the work, Name of the agency to whom the work was awarded		
3.	Stipulated/Actual date of start/completion of work		
4.	Details of the Arbitrator, approval of the competent authority for appointment of Arbitrator, date of appointment of Arbitrator		
5.	Relevant Clause(s) of Agreement		
6.	Whether pre-arbitration procedures as per Clause 25 of the GCC/as per Agreement are complied with before appointment of Arbitrator/s.		
7.	Whether time schedule as per SOP5/31 has been followed for processing and deciding the Arbitration Award.		
8.	Whether procedure and steps have taken for properly preparation and defending the arbitration cases before Arbitrator, as are given in SOP 5/31 Chapter 5 of CPWD Manual.		
9.	Whether the contractor has given application seeking appointment of arbitrator in Standard application form as per Annexure-39 of SOP, CPWD Manual-2019		
10.	Whether there is no ground to challenge the award under Section 34(2) of the Arbitration and Conciliation Act, 1996. (details attached)		
11.	Amount of initial award, interest thereon, if any.		

12.	Copy6 of award announced by the Arbitrator		
13.	Whether Opinion/advice of Law Deptt. has been obtained		
14.	Competent Authority for acceptance of Arbitration award		
15.	Checked by Associate Finance		
16.	Specific Recommendations of HOD		

### Central Government Act

#### Section 34 in THE ARBITRATION AND CONCILIATION ACT, 1996

34 Application for setting aside arbitral award. —

(1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).

(2) An arbitral award may be set aside by the Court only if—

(a) the party making the application furnishes proof that—

(i) a party was under some incapacity, or

(ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or

(iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or

(iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:

Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or

(v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or

(b) the Court finds that—

(i) the subject-matter of the dispute is not capable of settlement by arbitration under the law for the time being in force, or

(ii) the arbitral award is in conflict with the public policy of India.

Explanation. —Without prejudice to the generality of sub-clause (ii) it is hereby declared, for the avoidance of any doubt, that an award is in conflict with the public policy of India if the making of

the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81.

(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal: Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

(4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of arbitral tribunal will eliminate the grounds for setting aside the arbitral award.

**Check List No. 10 - for scrutiny of tender cases (for works)**

S. No.	Items of information	Information wrt col.2	Referencing/ page No.
(1)	(2)	(3)	(4)
1.	Name of Work		
2.	Whether A/A & E/S has been obtained? If yes, indicate Authority, amount, Resolution No. & date of sanction. PE file containing copy of Resolution be added.		
3.	Reference of budget provision & Head of Account for this work in Budget Book.		
4.	Whether technical sanction obtained, details thereof – Authority, No. & date and Amount.		
4a.	Mode of calling of tender, whether Item rate/Percentage Rate/lump Sum Rates/Annual Rates/others.		
4b.	Whether bids are invited in Single/Two/Three bid system.		
5.	NIT/RFP approved by– Authority, Date, Estimated cost put to tender.		
6.	Date on which NIT was placed on Website/newspaper/Divisional Office/actually advertised.		
7.	Whether first call of tender or otherwise, details of previous calls, if any.		
8.	Date and time of uploading on website and scheduled date of opening		
9.	Pre Bid conference, if any, - date & time, name of the bidders in the prebid conference, decisions taken in the prebid conference.		
10.	No. of days between publicity of tender on website and opening of tenders.		

	If the banks are closed on the last date of submission of tenders, the date shall be postponed suitably to next working day.(Para 4.13 of chapter 4 of Manual 2019)		
	No. of days prescribed in CPWD Manual for publicity of tender, complied or otherwise		
11.	Whether all the tenderers have deposited EMD in proper form, as per NIT/RFP? Amount of Earnest money. (Ref Para 5.1 of Chapter 5 of CPWD Manual 2019 read with SOP 5/1)		
12.	Scheduled Date & time of opening of Technical Bid & Actual date and time of opening of technical bid.		
13.	Authority who approved the technical bid.		

14.	List of bidder whose technical bid approved/successful bidders		
15.	List of bidders who are not technically qualified		
16.	Whether all the eligible tenderers fulfill the eligibility criteria as per NIT/RFP. Technical criteria/technical evaluation statement may be annexed with TEC recommendation duly signed or recommendations of the department as the case may be.		
17.	Date & time of opening of Financial bid. (due & actual)		
18.	Authority actually opened the financial bid.		
19.	Name of the bidders present at the time of opening of Financial bids.		
20.	List of persons/bidders who tendered for the job, with their tendered amount/Financial comparative statement with mandatory certificate recorded by AAO concerned.		
21.	Name and offer of L-1 agency		
22.	Justified percentage as worked out by planning/department/HDM (before opening of technical/financial bid as the case may be)		
23.	Date on which validity/extended validity of tender of lowest bidder expires.		
24.	Discrepancy in offer, if any		
25.	Availability of site.		
26.	Availability of stipulated materials		
27.	Approval of layout plan		
28.	Status of Architectural/structural/services drawings		
29.	Approval of building plan clearance from DUAC/local body/other requisite NOC		
30.	Comment on the capabilities of lowest tenderers including financial and technical resources/scrutiny		

	performa.		
31.	List of works in hand with lowest tenderer indicating the name of works, tendered amount, date of start, stipulated period, progress made, and remarks.		
32.	Period of completion		
33.	Certificate wrt reasonability of rates.		
34.	Last Approved Rates.		
35.	Recommendations of Engineer in Charge/tender inviting authority.		
36.	Tender checklist duly filled in and signed by Associate Finance/A.O./Sr. A.O. (enclosed)		
37.	Recommendation of SE (Planning) /HDM		
38.	Specific certificate that CVC guidelines have been followed		
39.	Checked/scrutinized by Associate Finance		
40.	Recommendations of HOD concerned		

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**Check List No. 11- For Extra/Additional/Substituted Items**

<b>S. No.</b>	<b>Item of Information</b>	<b>Information wrt Col.2</b>	<b>Page No. on the noting/ correspondence side (Referencing)</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>
1.	Name of work		
2.	Sub-head		
3.	Date of Commencement and Completion of work		
4.	whether all the statements have been prepared on the prescribed performa and complete in all respects.		
5.	Whether prior approval to deviations was obtained from the appropriate authority or otherwise.		
6.	Certificate w.r.t. execution of deviations on same site		

	If otherwise, due justification/ prior approval			
7.	Work as per specified scope of work in the agreement or otherwise, specify			
8.	Reason(s) for execution of deviation are due to (i) change of drawings (ii) on the recommendation of Architectural drawings (iii) on the recommendation of Consultant (iv) on the recommendation of sub-committee (v) others, specify			
9.	Appropriate reasons against each item in compliance of para 5.11.1(3) of cpwd works manual 2019 have been recorded.			
10.	Rates finalized prior to execution, in compliance of OM no. DG/MAN/Misc/31 dated 17.10.2019 of CPWD or otherwise			
11.	Rates in consonance with manual/agreement provisions, specify.			
12.	Basis of rates	within deviations	beyond deviations	
(a)	extra items			
(b)	additional quantities			
(c)	substituted items			
13.	Detail of low rated items less executed / not executed with reasons			
14.	Expenditure within a/a & e/s or revised a/a & e/s is required.			
15.	Certificate - (i) Delegated powers to departmental officers have exhausted while mooting the proposal in the competency of Council / Chairperson (ii) No undue benefit is extended to the agency (iii) Execution of proposed items was essential for completion of assigned scope of work or otherwise, specify. (iv) Correctness of facts, data and information			
16.	Enclose: agreement file P.E. file Work file			

17.	Quotations in support of market rate(s)		
18.	reasons for not considering proposed item at the time of framing of P.E.		
19.	Final statement(s) or otherwise		
20.	Completion certificate		
21.	If extension of time is involved, competency and status thereof		
22.	Scrutiny by Associate Finance		
23.	Examination by Planning / HDM		
24.	Recommendation of HoD		