

OFFICE OF THE ENGINEER-IN-CHIEF (CIVIL), ODISHA,  
NIRMAN SOUDHA, KESHARI NAGAR, UNIT-V, BHUBANESWAR-751001

File No- C-11-Misc-04/2022

No: 15958

April 20, 2022

To

The FA-Cum-Additional Secretary to Government,  
Works Department, Odisha, Bhunaneswar

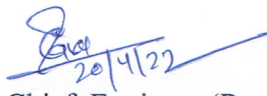
Sub: Amendment to Codal/Contractual provisions.

Sir,

I am directed to submit herewith, the following proposed amendments to the provisions contained in OPWD Code, Volume-I & II as per Annexure-I,II,III,IV & V for further necessary action at your end.

Yours faithfully,

Encl: As above

  
Additional Chief Engineer (Roads)

## **Annexure-I**

### **Amendments to Clause – 3 of Appendix – VIII of O.P.W.D. Code Vol. II**

The Government, after careful consideration and in supersession to all earlier orders, have been pleased to specify the range of financial limit for works for different Class of Contractors as mentioned below.

<b>Class of Contractor</b>	<b>Range of Financial Limit</b>
1. Super Class	Above Rs. 1500 Lakhs
2. Special Class	Above Rs. 1000 Lakhs upto Rs. 2000 Lakhs
3. 'A' Class	Above Rs. 400 lakhs upto Rs. 1200 Lakhs
4. 'B' Class	Above Rs. 100 Lakhs upto Rs. 500 Lakhs
5. 'C' Class	Upto Rs. 100 Lakhs
6. 'D' Class	Upto 30 Lakhs

## **Annexure-II**

### **Amendments to Para 6.3.1, Para 6.3.2 and Para 6.3.15 of OPWD Code Volume I.**

The Government, after careful consideration, have been pleased to modify the existing Powers of different Competent Authorities for Administrative Approval, Technical Sanction and finalization of Tenders as mentioned below.

#### I. Powers to Accord Administrative Approval (Para 6.3.1)

Particular	<b>Powers of Administrative Approval</b>			
	E.I.C.	Chief Engineer	CCE / ACE in charge of Circle	SE / EE in charge of Division
a. Buildings Non-residential	Rs. 10 Cr	Rs. 6 Cr	-	-
b. Building Residential	Rs. 6 Cr	Rs. 4 Cr	-	-
c. Irrigation Works	Rs. 30 Cr	Rs. 15 Cr	Rs. 15 Lakhs	-
d. Communication	Rs. 30 Cr	Rs. 15 Cr	Rs. 15 Lakhs	-
e. Flood Control, Drainage, Anti-Water logging and Anti-sea erosion	Rs. 30 Cr	Rs. 15 Cr	Rs. 5 Lakhs	-
f. Public Health Works	Rs. 10 Cr	Rs. 6 Cr	Rs. 15 Lakhs	-
g. Electricity	Rs. 10 Cr	Rs. 6 Cr	Rs. 15 Lakhs	-
h. Deposit/ Contribution Works	Full Powers	Full Power	Rs. 20 Lakhs	Rs. 50,000

Particular	<b>Powers of Administrative Approval</b>			
	E.I.C.	Chief Engineer	CCE / ACE in charge of Circle	SE / EE in charge of Division
i. Sanitary and Water supply to residential and Non- residential buildings				
a. Non- Residential	Rs.100 Lakh	Rs. 60 Lakh	Rs. 10 Lakh	-
b. Residential	Rs. 40 Lakh	Rs. 30 Lakh	Rs. 5 Lakh	-
j. Electrical Installation to residential and Non- Residential buildings				
a. Non- Residential	Rs. 100 Lakh	Rs. 60 Lakh	Rs. 10 Lakh	-
b. Residential	Rs. 40 Lakh	Rs. 30 Lakh	Rs. 5 Lakh	-
k. Rural Water Supply Works	Rs. 10 Cr	Rs. 6 Cr	Rs. 15 Lakhs	-
l. Other Items	Rs. 50 Lakh	Rs. 30 Lakh		

II. Powers to Accord Technical Sanction (Para 6.3.2)

Particular	<b>Powers to Accord Technical Sanction</b>				
	E.I.C.	Chief Engineer	CCE / ACE in charge of Circle	SE / EE in charge of Division	AEE in charge of Sub-Division
<b>1. Original Work</b>					
a. Road, Bridge & Building	Above Rs. 3000 Lakhs	Rs. 3000 Lakhs	Rs. 1000 Lakhs	Rs. 100 Lakhs	-
b. Irrigation, Flood Control, Drainage Works and Storage Reservoir for Drinking Water Supply			Rs. 1000 Lakhs	Rs. 100 Lakhs	-
c. PH and RWSS Work			Rs. 400 Lakhs	Rs. 100 Lakhs	-
d. Public Health Engineering (GPHD)			Rs. 200 Lakhs	Rs. 100 Lakh	-
e. Electrical Works (GED)			Rs. 200 Lakhs	Rs. 100 Lakh	-
<b>2. Repair Works</b>					Full Power

III. Powers to Finalize Tender (Para 6.3.15)

A public works officer may accept a tender for a work upto the amount to which he is authorized to accord technical sanction to estimates **except all tenders above Rs. 1000 Lakhs shall be invited and accepted by the Chief Engineer** provided that any provision in the tender does not infringe any standard rule or order of a higher authority and that no provision involves an uncertain or indefinite liabilities or any condition of an unusual character. (See also para 3.5.4)

Sl.	Competent Authority	Powers to finalize tender as per Para 6.3.15 of OPWD Code Vol. I
A	Administrative Department	Above Rs. 5000 Lakhs
B.	Engineer -in- Chief	Above Rs. 3000 Lakhs And Upto Rs. 5000 Lakhs
C.	Chief Engineer	Above Rs. 1000 Lakhs and upto Rs. 3000 Lakhs
D.	CCE / ACE in charge of Circle	Above Rs. 100 Lakhs and upto Rs. 1000 Lakhs
E.	SE / EE in charge of Division	Upto 100 Lakhs

NOTE-I : The Department/ Wings where there is post of Engineer-in-Chief tenders for works above Rs. 5000 Lakhs should be referred to the Administrative Department who will refer it to a Committee the Administrative Department, Secretary of the Finance Department of the consisting of Secretary of the Law Department and Chief Engineer concerned. The Financial Adviser or Assistant Financial Adviser of the Department will act as member Secretary of the committee, Secretary of the Finance Department and Secretary of Law Department may send their representative not below the rank of Deputy Secretary of the respective Departments, if they so desires. In case the members of the Committee comes to a unanimous decision. Such recommendation of the Committee should be communicated to the Chief Engineer after obtaining orders of the Govt. in Administrative Department. In case the members express divergent views of any point, final decision in the Administrative Department be taken after obtaining orders, of Government.

Note-II: The Departments/Wings where there is no Engineer-in-Chief, tenders for works above Rs. 3000 Lakhs should be referred to the Administrative Department for finalization of tender as per procedure mentioned in Note I.

Note-III : Finalisation of tender for the works above Rs. 1000 Lakhs and upto Rs. 3000 Lakhs will be done at the level of Chief Engineer through a tender committee constituted with concerned Chief Engineer as Chairman. Superintending Engineer of the same office and Superintending Engineer of concerned circle as members and Financial Advisor/ AFA/ Accounts Officer of the same office as Member Secretary.

Similarly, finalization of tender for the works above Rs. 3000 Lakhs and upto Rs. 5000 Lakhs will be done at the level of Engineer-in-chief through a tender committee constituted with Engineer-in-chief as Chairman concerned Chief Engineer as member and Financial Advisor/ AFA/ Accounts Officer of the same office as member Secretary. In case of divergent views of tender committee, final decision will be taken by next higher authority. For this purpose Engineer-in-chief will be treated as next higher authority of Chief Engineer, where there is no post of E.I.C. the matter will be referred to the Administrative Department.

### **Annexure-III**

#### **Amendments to Note VII of Para 3.5.9 of OPWD Code Volume - I**

The Note VII of Para 3.5.9. of O.P.W.D. Code Volume – I, **Financial Limit for resorting technical qualifications:**

- (a) Post-qualification of tender, i.e. assessment of adequate work experience, bid capacity, liquid asset, key construction equipment and technical manpower has to be resorted to when cost of the works is more than Rs. 700.00 lakhs (Seven hundred lakhs) as per the guidelines to be prescribed by the concerned Engineering Department.
- (b) Tender for the works costing above Rs. 700.00 lakhs has to be invited in double covers, one cover containing technical bid and other containing financial bid as per the guidelines prescribed by the concerned Engineering Departments.

**Annexure-IV**

**Amendments to Clause – 36 of Appendix – IX of O.P.W.D. Code Vol. II**

The Government, after careful consideration, have been pleased to insert the following statement below the existing Clause – 36 as following:

*If the rate quoted by the bidder is less than or equal to 15% of the tendered amount, then such a bid shall be rejected and the tender shall be finalized basing on merits of rest bids. But if more than one bid is quoted at 14.99% (Decimals up to two numbers will be taken for all practical purposes) less than the estimated cost, the tender accepting authority will finalise the tender through a transparent lottery system, where all bidders / their authorized representatives, the concerned Executive Engineer and DAO will remain present.*

*However, in case of tenders are floated either in EPC / Turnkey / Design-Build / Lump-sum basis or the tenders are related to procurement of Services or Goods, then the bid of the tenderers quoting less than or equal to 15% of the tendered amount shall not be rejected.*

**Amendments to Para 3.5.5.(V) of O.P.W.D. Code Vol. I**

Paragraph 2 of the existing clause shall be read as under:

The adopted format for percentage rate is same as that of the form adopted for item rate tenders the word "item rate" shall be replaced by "percentage rate" and the contract form may be named as P-1. In this form, time is the essence. The contractor is required to maintain a certain rate of progress specified in the contract. The Contract can also be terminated with penalty when the progress of work is not as per the conditions of contract. The quantity mentioned can be increased or reduced to the extent of 10% for individual items subject to a maximum of 5% over the estimated cost. If it exceeds the limit stated above prior approval of competent authority is mandatory before making any payment. **The competent authority for the purpose of approving deviation in quantity is as per Para 6.3.17 of OPWD Code Vol. I.** The period of completion is fixed and cannot be altered except in case of exceptional circumstances with due approval of next higher authority of the tender finalisation authority. **The Engineer-in-Chief shall be treated as the next higher authority of Chief Engineer for this Clause.**