

**Government of West Bengal
Law & Arbitration Cell
Public Works Department**

No. 6754-PW/L&A/2M-312/2017

Dated:18.12.2017

NOTIFICATION

1. Rules 238 & 239 of PWD Code impose certain limitations on execution of extra / substituted items / deviation in quantity of any item of work. These are on following lines :
 - (i) An engineer officer of the Directorate is not empowered to accept / sanction supplementary work, even though it is within the financial power of the Engineer Officer for "Technical Sanction" and "Tender Acceptance".
 - (ii) A supplementary tender is accepted only by the same Authority who accepts the original tender.
 - (iii) In case of increase in any tendered item beyond 10% of the tendered quantity; it must be referred to the Superintending Engineer in charge for sanction & allocation of such additional work to the working contractor.
2. At the same times, according to existing rule 239 of PWD Code an Engineer Officer of the Directorate may take up the work up to Administratively approved amount by executing excess / less quantities work, even though the tendered value of the work may be much less. There is no limitation on execution of such excess / less quantities of work and no reference to the Department is required to execute such excess / less works.
3. To expedite the implementation of the Public works and to ensure proper budgeting and expenditure control it has been considered necessary to amend the Rule 238 & 239 of the PWD code.
4. The Governor is hereby pleased to substitute the existing Rule 238 and 239.

The new rules are as follows:

Rule 238. Extra / Substituted Items

238.1 Definition :

- (a) Extra items of work are items that are completely new, and are in addition to the items contained in the contract.
- (b) Substituted items are items that are taken up in partial modification or in lieu of items of work in the contract.
- (c) One agreement item can be substituted by single item / multiple items.
- (d) Multiple agreement items can be substituted by single item / multiple items.

238.2 Nomenclature of item :

The specifications of the extra / substituted items sanctioned by the competent authorities should be properly formulated, so as to reflect the exact mode of execution in the field.

238.3 Prior sanction of competent authority necessary:

- (a) No extra / substituted item should be executed or approved without the prior concurrence of its necessity by the authority who accorded the technical sanction or Chief Engineer of construction wing or similar designated Engineer officer.
- (b) The powers for sanctioning the extra / substituted items are mentioned in **Appendix - I**
- (c) Assistant Engineer / Executive Engineer should anticipate any extra / substituted items that may be necessary for the execution of the work, and they shall initiate the case after obtaining prior concurrence as per sub - para (a) above for its approval from the competent authority. Such cases shall be expeditiously processed at all levels to minimise delay in the execution of the work.
- (d) Pendency of such items shall be closely monitored by Executive Engineer and higher level officers.

Rule 239. Sanction of deviations

Apart from obligation of sanctioning the deviations, a proper check is needed on deviation in quantities on higher/lower side for each and every item. In order to exercise proper check on deviations, following procedures shall be followed.

- (a) Deviation in quantities of individual item up to + 10% of agreement quantities will not need any prior approval of technical sanction authority and sanction of deviations is not required.
- (b) Deviation in quantities of individual item beyond the limit of + 10% but within deviation limit as specified in **Appendix - I** will not require prior approval of technical sanction authority but total deviation (including + 10%) shall be sanctioned by the officers as per delegation of powers.
- (c) In case of deviations occurring in the quantities of extra / substituted items / deviation in quantity of any item already sanctioned, then revised sanction should be taken from the officers who have the power to sanction it.
- (d) Total quantities of extra / substituted items / deviation in quantity of an item shall be sanctioned by the authority whosoever is competent to sanction up to his limit. Beyond that it will be referred to the next higher authority for sanction. Before sanctioning in the quantities of extra / substituted items / deviation in quantity of any item the officer / authority will include it earlier sanctioned quantities if any.
- (e) If any tender quantity is not executed at all during the work, it would require Technical Sanction Authority or Chief Engineer of construction wing or similar designated Engineer officer's approval.
- (f) Minus deviation is to be sanctioned on the basis of agreement rate irrespective of deviation limit.
- (g) The amount of a deviation statement shall be the sum of absolute value of deviated amounts of all individual items.
- (h) One contract may execute extra item or items, substituted item or items, and deviation in quantity or quantities at a time or one or two of it. But total expenditure including extra item or items, substituted item or items, and deviation in quantity or quantities shall not exceed original contract amount (i.e. tendered amount) + 5% of contract amount or Administratively approved amount of the project whichever is less. If total expenditure including extra item or items, substituted item or items and deviation in quantity or quantities exceeds original contract amount (i.e. tendered amount) + 5% of contract amount or Administratively Approved amount, then concerned Directorate shall submit revised estimate to the Administrative Department for approval. The Administrative Department may approve the revised estimate within the power of Administrative Department as per codal provisions and Government orders in force after verifying the suitability of the revised estimate. Beyond the limit of Administrative Department the revised estimate may be sent to the Competent Authority / Department for approving it.

- (i) If the Administratively approved amount is Rs 10.00 crore or below, then sub – para (h) above will be read by 10% in place of 5%.
5. This issues with the concurrence of Group-T of Finance Department vide their U.O. No. Group T/2017-2018/0704 dated 24.11.2017.

This notification will take immediate effect.

By order of the Governor,

Sd/-

(Indevar Pandey)

Principal Secretary to the Government of West Bengal
Public Works Department

No.6754/1(14)-PW/L&A/2M-312/2017

Dated:18.12.2017

Copy forwarded for information to:

1. The Accountant General (A & E), West Bengal, AP Section, Treasury Buildings, Kolkata – 1.
2. The Accountant General (Audit), West Bengal,
3. The Accountant General (RW / LBA), West Bengal, C.G.O.Complex, 3rd MSO Building, Sector - I, Block - DF, 5th Floor, Bidhannagar, Kolkata – 64.
4. The Principal Secretary, Finance Department.
5. The Principal Secretary, Public Works Department.
6. The Managing Director, West Bengal Highway Development Corporation, HRBC Bhaban, Munshi Premchand Sarani, Kolkata – 700021.
7. The Engineer-in-Chief & Ex-Officio Secretary, Public Works Department.
8. The Finance Department, Group – 'T'.
9. The Finance Department. Group – 'N'
10. The Financial Adviser, Public Works Department.
11. The Joint Secretary, Project & Co-ordination / Works / Administration, Public Works Department.
12. The Technical Secretary, Public Works Department.



Joint Secretary (Roads),
Public Works Department

No.6754/2(3)-PW/L&A/2M-312/2017

Dated:18.12.2017

Copy forwarded for information to :-

1. The Principal Secretary to the Hon'ble Chief Minister, Government of West Bengal.
2. The Senior P.S. to the Hon'ble Minister – in - Charge, Public Works Department, Government of West Bengal.
3. The Senior P.S. to the Chief Secretary to the Government of West Bengal.



Joint Secretary (Roads),
Public Works Department

No.6754/3(200)-PW/L&A/2M-312/2017

Dated:18.12.2017

Copy forwarded for information and necessary action to :-

1. The Chief Engineer, -----(All), P.W. Directorate / P.W.(Roads) Directorate / Social Sector, P.W. Directorate / Electrical, P.W. Directorate.
2. The Superintending Engineer,----- (All), P.W. Directorate / P.W.(Roads) Directorate / Social Sector, P.W. Directorate / Electrical, P.W. Directorate.
3. The Chief General Manager, West Bengal Highway Development Corporation, HRBC Bhaban, Munshi Premchand Sarani, Kolkata - 700021.
4. The Executive Engineer,----- (All), P.W. Directorate / P.W.(Roads) Directorate / Social Sector, P.W. Directorate / Electrical, P.W. Directorate.
5. The Executive Engineer, Kolkata IT Division, P.W. Directorate.
He is requested to upload the Circular in PWD website.



Joint Secretary (Roads),
Public Works Department

APPENDIX - I of Notification No. 6754-PW/L&A/2M-312/2017 dated 18.12.2017

Sl. No.	Nature of Power	Designation of officer	Extent of Powers (in Rupees)
1	Accord of sanction to extra / substituted items (a) For works within Powers to accord Technical Sanction under his own authority	Assistant Engineer / Similar designated Engineer Officer	30% of contract amount.
		Executive Engineer / Similar designated Engineer Officer	30% of contract amount.
		Superintending Engineer/Similar designated Engineer Officer	30% of contract amount.
		Chief Engineer / Similar designated Engineer Officer	Full powers.
	(b) For works within Powers of Technical Sanction of higher authorities.	Assistant Engineer / Similar designated Engineer Officer	15% of contract amount or 30% of power to accord technical sanction, whichever is lower.
		Executive Engineer / Similar designated Engineer Officer	15% of contract amount or 30% of power to accord technical sanction, whichever is lower.
		Superintending Engineer/Similar designated Engineer Officer	15% of contract amount or 50% of power to accord technical sanction, whichever is lower.
		Chief Engineer / Similar designated Engineer Officer	Full powers.
2	Accord of sanction to deviation in quantities of agreement items (a) For works within Powers to accord Technical Sanction under his own authority	Assistant Engineer / Similar designated Engineer Officer	± 10% of contract amount.
		Executive Engineer / Similar designated Engineer Officer	± 15% of contract amount.
		Superintending Engineer/Similar designated Engineer Officer	± 30% of contract amount.
		Chief Engineer / Similar designated Engineer Officer	Full powers.
	(b) For works within Powers of Technical Sanction of higher authorities.	Assistant Engineer / Similar designated Engineer Officer	± 10% of contract amount or ± 30% of power to accord technical sanction, whichever is lower.
		Executive Engineer / Similar designated Engineer Officer	± 15% of contract amount or ± 30% of power to accord technical sanction, whichever is lower.
		Superintending Engineer/Similar designated Engineer Officer	± 20% of contract amount or ± 50% of power to accord technical sanction, whichever is lower.
		Chief Engineer / Similar designated Engineer Officer	Full powers.

Note :

1. Deviation means increase or decrease in quantities of agreement items.
2. Deviation upto ± 10% of agreement quantity will not require any sanction.
3. Items deviating beyond ± 10% of agreement quantity needs sanction for total deviation (including initial ± 10%)
4. The amount of a deviation statement shall be the sum of absolute value of deviated amounts of all individual items.
5. Sanction is required from the competent authority for non execution of any tendered item.
6. The financial powers at Sl. No. 1 & 2 shall be limited to the extent that the total expenditure including substituted item or items, extra item or items and deviation in quantity or quantities shall not exceed original contact amount (i.e. tendered amount) + 5% of contract amount (i.e. tendered amount) or Administratively approved amount of the project whichever is less for the project cost is more than Rs. 10.00 crore and it is contract amount + 10% of contract amount or Administratively approved amount of the project whichever is less for the project cost is Rs. 10.00 crore or below.


Joint Secretary (Roads)
Public Works Department
Government of West Bengal