



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhavan, 1st Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700 091

No. 19 - (W)/2016-17

Dated, 19th July, 2016

NOTIFICATION

Irrigation & Waterways Department is responsible for maintenance of around 10,400 km of flood protective embankments, mostly earthen, spread over 14 districts covering 43% of State's geographical area. These flood protective embankments are located on the banks of various rivers, rivulets, tributary canals and also in the coastal areas and creeks of islands of deltaic Sundarban.

Due to a very high density of population of the State and the general socio-economic condition in remotest areas in particular, it is very difficult to follow the provisions of century old Bengal Embankment Act and abide by the guidelines of Gol for maintenance of embankments through flood plain zoning, raised villages etc. Maintaining safety of these embankments against natural hazards is a gigantic challenge for the engineers in this Department.

2. The following categories of works require emergent action:

A. Emergent situations due to flood and inundation during monsoon from 1st June till 31st October:

Often, due to sudden and unpredictable nature of rainfall and flood discharge passing through various rivers in this lower riparian State, Dam releases from Jharkhand, rainfall in Hills of Bhutan travelling rapidly to plains of North Bengal, restoration of damages through usual process by e-tender in compliance of provisions of the enjoined Rules of 47(8) of West Bengal Financial Rules (WBFR) since amended in terms of Finance Department Notification No. 5400-F(Y) dated 25.06.2012 frustrates the very purpose of emergency.

In spite of taking necessary precautions, often after a spell of heavy to very heavy spell of rainfall and passage of flood discharge in rivers, damages to embankments and bank of rivers and channels do occur. These damages are required to be restored on an emergent basis within the minimum possible time, by field engineers of this Department, for saving life and property of people and also for arresting further damage to the affected installations.

General guideline of Finance Department requires invitation of e-tender for execution of all works above value of ₹ 5.00 lakh. A minimum period of 14 days is to be assigned from the date of publication of e-tender notices till the last date for submission of e-tender and such tenders after a two bid formality matures not before 21 days. For tenders of value less than ₹ 10.00 lakh, the minimum time required to mature a tender is 10 days (7 days notice + 3 days for other formalities). In view of above, it is hardly possible to execute emergent works, particularly for fighting natural & unpredictable calamities like heavy rainfall and flood, following prescribed norms of e-tenders.

Such situations occur quite often during every monsoon, and it is becoming very difficult, time consuming and uncertain to place proposals routed through various levels in the Departmental hierarchy for obtaining post-facto approval of Finance Department on a case to case basis.

B. Other non-monsoon emergent situations:

- i. Emergent works relating to restoration of ingress of river or sea water due to damages/ breaches including restoration of public utilities viz. road, irrigation canals or bridges and hydraulic structures etc. maintained by this Department.
- ii. Visit of High level dignitaries for which this Department is required to make arrangement.

Accordingly, Governor is pleased to prescribe following procedure for execution of works upon invitation of short tender notice.

3. Tender Formalities applicable for Para 2 (A):

- i. Executive Engineer are hereby authorised to invite and accept short notice off-line tenders with a minimum notice period of 3 (Three) days with due publicity, including newspaper publication for all emergent works of bid value upto ₹ 10.00 lakh, in each case, in the event of an emergency arising and the said Executive Engineer would apply his mind and prudence to determine the necessity of such short notice tender with a view to restore the damages within the minimum possible time.
- ii. Similarly tender acceptance power for value upto ₹ 20.00 lakh is delegated to the Superintending Engineers subject to observance of the same formalities in the event of an emergency arising and the said Superintending Engineer would apply his jurisprudence to determine the necessity of such short notice tender with a view to restore the damages within the minimum possible time.
- iii. Permission for off-line inviting spot bids in order to restore breach (collapse) of embankments upto bid value ₹ 10.00 lakh, in each case, is further accorded to the Executive Engineer concerned, if the necessity so arises, with prior consent followed by post-facto written approval of the designated Chief Engineer.

4. Tender Formalities applicable for Para 2 (B):

- i. Off-line seal bids may be invited by an Executive Engineer (up to ₹ 10.0 lakh) and Superintending Engineer (exceeding ₹ 10.00 lakh but limited up to ₹ 20.00 lakh) for undertaking emergent works as defined under Para 2 (B) above, subject to obtaining a post facto approval of the concerned Chief-Engineer.
- ii. Off-line seal bids may be invited when time is extremely short and only requisite notices to be given by allowing as short as possible a time but not less than 3 (Three) days, with wide publicity including newspaper advertisement. Whenever a reasonable time is available, tender should be invited as per rules in terms of Rule 47(8) of WBFR as amended vide Notification No. 5400-F(Y) dated 25.06.2012.
- iii. Evaluation of these bids shall be done by a Committee, comprising the Superintending Engineer, the Executive Engineer and the concerned Divisional Accounts Officer.

5. Other conditions:

- i. All such emergent works shall have a sanctioned estimate whose value shall be certified by an Engineering Officer in terms of Finance Department No. 5458-F(Y) dated 27.06.2012.
- ii. Bid shall be invited by publication of the tender in the notice boards and by uploading the same in the official Departmental website. If there is reasonable apprehension that such notice would have inadequate response, direct communication through messenger delivered letter or through e-mail to

the bonafide and resourceful contractors having sufficient experience of execution of such works at a very short notice may be contemplated, provided all such steps shall not encourage enlistment of contractors that has since been abolished.

- iii. Response from **at least three bidders** shall be necessary for evaluation of the bid in emergent situations as explained at para 3 & 4 above.
 - iv. The tendering authority will record in writing the circumstances that compelled them to have recourse to the spot sealed bids in relaxation of the tender procedure prescribed in West Bengal Financial Rules, and shall also explain the emergent situation in the file dealing with tenders related to the work to justify adoption of the off-line tender procedure.
 - v. A maximum of 5% of the excess of tender value may be accepted by the Tender Evaluating Committee in terms of Finance Department No.5458-F(Y) dated 27.06.2012.
6. Accordingly, Rule 163 of West Bengal Works Manual will stand modified to the extent this order will apply.

Irrigation & Waterways Departmental code would be modified in due course.

This order is issued with the concurrence of the Finance Department vide their **U.O No. Group-T/2016-17/0252, dated,18.07.2016.**

Sd/-
(K. Chattopadhyay)
Secretary

Memo No. 91 /1(7) – IB
IW/P/IB/Misc-39/2012

Dated, 19th July, 2016

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. Principal Accountant General (A&E), West Bengal
Treasury Buildings, 2, Government Place (West, Kolkata 700 001
3. Principal Accountant General (Audit), West Bengal
Treasury Buildings, 2, Government Place (West), Kolkata 700 001
4. Accountant General, West Bengal, Economics & Revenue Sector Audit
5th Floor, MSO Building, CGO Complex
Block DF, Sector-I, Bidhannagar, Kolkata 700 064
5. Finance (Audit) Department, Group-T
NABANNA
325, Sarat Chatterjee Road, Howrah 711 102
6. P.A to Principal Secretary
Irrigation & Waterways Department
7. Financial Advisor
Irrigation & Waterways Department

Sd/-
(A. Ghosh)
Deputy Secretary to the
Government of West Bengal

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Copy forwarded for information and necessary action to:

1. Chief Engineer (South)
Irrigation & Waterways Directorate
2. Chief Engineer (West)
Irrigation & Waterways Directorate
3. Chief Engineer (South West)
Irrigation & Waterways Directorate
4. Chief Engineer (North)
Irrigation & Waterways Directorate
5. Chief Engineer (North East)
Irrigation & Waterways Directorate
6. Chief Engineer (Design & Research)
Irrigation & Waterways Directorate
7. Chief Engineer, Teesta Barrage Project
Irrigation & Waterways Directorate
8. Executive Engineer
DVC Study Cell
Irrigation & Waterways Directorate

He is requested to upload in the Departmental website www.wbiwd.gov.in with a heading '**Special provision for Short Notice Tenders**'.



(A. Ghosh)

19.7.2016
Deputy Secretary to the
Government of West Bengal