

PROCEEDINGS OF THE SUPERINTENDING ENGINEER , KWA, PH CIRCLE, PALAKKAD

PRESENT : SRI. RAJAGOPALAN E.V

Sub:- KIIFB - 2017-18 CWSS to Resolve the Scarcity of drinking water in various grama panchayaths in Malampuzha –Phase I - Package I – Design, Construction, Commissioning and Maintenance of 8LL OHSR ,7LL OHSR and 11LL OHSR in Malampuzha and Marutharoad Panchayaths Supplying and Laying Clear Water Pumping Mains to OHSRs, construction of Pump house at Malampuzha ,Supplying and Erection of Clear Water Motor Pump sets including Road restoration and Rail Way crossing by HDD method- Termination of contract – Orders issued- reg:-

No: . KWA/PHC/PKD/ KIIFB- Malampuzha/Phase I/ Package I- 17-18

Dated: 29.12.2021

Read:- 1) AS No. GO(Rt)No.184/2018/WRD dt. 22.03.2018 of the WRD Thiruvananthapuram for Rs.6414 Lakh
2)TS No. TS/2019-2020/2019/11960 dt. 05.10.2019 of Chief Engineer (NR), Kozhikkode for Rs.1560 Lakh.
3) Agrt No. 24/19-20/SE/PHC/PKD dated 04.03.2020
4) Letter No.PCC/RAJ//20-21/173 of the Contractor M/s Prem Construction Company ,Jaipur dated 15.02.2021 addressed to this office.
5) This office Proceedings No KWA/PHC/PKD/ KIIFB- Malampuzha/Phase I /17-18 dated: 19.02.2021
6) Letter No KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 31.08.2021,20.10.2021 of the Executive Engineer, Project ,Division, Chittur addressed to the Contractor M/s Prem Construction Company, Jaipur.
7) This office letter No . KWA/PHC/PKD/ KIIFB- Malampuzha/Phase I/17-18 dated: 20.10.2021 and 23.10.2021 addressed to the Contractor M/s Prem Construction Company,Jaipur
8) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 29.11.2021 of the Executive Engineer, Project ,Division, Chittur.
9) Letter No.PCC/RAJ//20-21/569 of the Contractor M/s Prem Construction Company ,Jaipur dated 10.08.2021 addressed to this office
10) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 07.10.2021 of the Executive Engineer, Project Division, Chittur.
11) This office Proceedings No KWA/PHC/PKD/ KIIFB- Malampuzha/Phase I /17-18 dated: 08.10.2021
12) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 28.10.2021 of the Executive Engineer, Project Division, Chittur addressed to the Contractor M/s Prem Construction Company,Jaipur
13) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 29.11.2021 of the Executive Engineer, Project ,Division, Chittur
14) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 02.12.2021 of the Executive Engineer, Project ,Division, Chittur
15) This office letter No . KWA/PHC/PKD/ KIIFB- Malampuzha/Phase I /17-18 dated: 06.12.2021 addressed to the Contractor M/s Prem Construction Company, Jaipur
16) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 10.12.2021 of the



Executive Engineer, Project Division, Chittur

17) Letter No. KWA/PD/CTR/DB-99(a)/MPZ/Package 1 dated 22.12.2021 of the

Executive Engineer, Project ,Division, Chittur

ORDER

1. Administrative Sanction was obtained for the above work under KIIFB funding and Technical Sanction was accorded as per order read as 1st and 2nd respectively.
2. Tenders were invited by the Superintending Engineer, P.H.Circle, Palakkad and having been the lowest qualified bidder, the work was awarded to M/s Prem constructions company, Resident of 73, Nemi Nagar Extension, Shree Path, Jaipur-302021 for an accepted PAC of Rs. 11,87,74,675/- which was 13.70% below the tendered PAC and the contract was entered into between the tenderer and the Superintending Engineer, P.H.Circle, Palakkad vide agreement read as 3rd cited with a time of completion of 12 months from the date of award ie. upto 18.02.2021.
3. Since the work was not completed in the stipulated period of time. Considering the firm`s request letter cited (4) and taking into account the extra ordinary circumstances due to the out break of Covid 19 pandemic and the lockdown imposed, the contractor was given time extension for completing the work without fine as per clause 8.25 of NIT condition from 18.02.2021 to 17.08.2021 vide this office proceedings cited (5).
4. During the extended period, the Contractor did not show significant progress in completing the work. However considering their request letter cited (9) and taking into account the second wave wave of Covid-19 that prevailed during their extended time of completion, the contractor was again given time extension for completing the work up to 17.02.2022 without fine vide this office proceedings cited (11).
5. Even in the extended period of time, the contractor did not any earnest efforts to completer the work. Only one work-team was maintained by the firm for the construction of the three OHSRs .The firm neither complied with the directions of the Executive Engineer nor supplied the balance quantity of pipes and clear water pump sets. In spite of repeated directives from Executive Engineer and this office vide ref (6,7 and 8), the contractor did not respond positively to speed up the work. This is adversely affecting the completion of the work as well as the commissioning of the other connected packages of the scheme under KIIFB as well as JJM.
6. As the works came to a near standstill, a final notice was issued to the firm vide reference cited (15) asking them to resume the work within fourteen days, warning them that noncompliance will result in termination of the contract. This letter was sent through e-mail as well as registered post. But the registered mail was returned as the addressee was not found. Vide reference 17,the Executive Engineer, Project Division, Chittur reported that there was absolutely no progress in the work even after the issue of final warning notice .
7. All the above facts clearly show that the Contractor has repeatedly committed breach of contract and is least interested in completing the work in a time bound manner. In the light of the above circumstances, the tendering authority is compelled to terminate the contract for breach of contract by the contractor and to rearrange the work at their risk and cost.
8. Under the above circumstances, contract entered into by the undersigned vide agreement No.24/19-20/SE/PHC/PKD dated 04.03.2020 with M/s Prem construction company, Resident of 73, Nemi Nagar Extension, Shree Path, Jaipur 302021 is hereby terminated in order to rearrange the work at their risk and cost with immediate effect.The security deposit and all the guarantee shall be forfeited and deposited with the Authority.



Also the entire payments that are pending in all the works of the said contractor are hereby ordered to be withheld in order to safeguard the interest of the Authority.

Sd/-
Rajagopalan E V
Superintending Engineer

To

M/s Prem construction company, Resident of 73, Nemi Nagar Extension, Shree Path,
Jaipur 302021

Copy To

- (i) The Managing Director, KWA, TVM, for favour of information and necessary action
- (ii) The Technical Member, KWA, TVM, for favour of information and necessary action
- (iii) The Chief Engineer (Operations), KWA, TVM, for favour of information and necessary action
- (iv) The Chief Engineer, Northern Region, KKD for favour of information and necessary action
- (v) The Executive Engineer, Project .Division, Chittur for submitting the realistic working estimate for the balance work.
- (vi) The Superintending Engineer's of all Circles for information and necessary action.

The document is digitally approved. Hence signature is not needed.



approved

