

**Minutes of the 287th meeting of KWA held on 08/11/2006 at 5.00 p.m
in the Conference Hall, Kerala Water Authority, Jalabhavan,
Thiruvananthapuram.**

Members Present:

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|------------------------------------|-------------------|
| 1. Sri. Sayan Chatterjee IAS | Chairman |
| 2. Sri. Jose Cyriac IAS | Ex-Officio |
| 3. Sri. G.Rajendra Prasad | Member |
| 4. Sri. Illickal Augusty | Member |
| 5. Sri. Velayudhan Vallikunnu | Member |
| 6. Sri. C.Ravindran | Member |
| 7. Sri. T.P.Mohanlal | Managing Director |
| 8. Sri. C.Suresh Babu | Technical Member |
| 9. Sri. V.K.Girijavallabhan, IA&AS | Accounts Member |

Item No. I (1) Confirmation of the Minutes of the 285th Meeting held on 28/9/2006.

The Authority confirmed the Minutes of the 285th meeting of Kerala Water Authority held on 28th September 2006 with the following modification:

Res. No. 7264: The Authority resolved to appoint the following Advocates for conducting cases before the Hon'ble District Courts, Munisiff Courts, Subordinate Courts and District Consumer Forum pertaining to the districts shown against their names for a period of one year based on the existing terms and conditions:

Thiruvananthapuram	1.	Adv. S.K.Vijaya Sankar, 33, Padma Nagar, Fort, Thiruvananthapuram- 695023
	2.	Adv. P.Dileep Khan Opposite to old Police Station, Vachiyoor, TVPM - 695035
	3.	Adv. Rajesh.R TC 41/1884,KWRA-35, Kadiya Patanam Lane, Manacaud.P.O, Thiruvananthapuram.
Kollam	1.	Adv. K. Chandran Pillai Raja Mandiram, Chavara B.P.O, Kollam.
	2.	Adv. Anoop K.Basheer, Kolasseril, Chavara P.O, Kollam
Alappuzha	1.	Adv. Vinod.C.Podikalam, Podikalathil Veedu, Thamallackal P.O Harippad, Alappuzha District

Pathanamthitta	1.	Adv.N.K. Ramachandran Nair Nadumparambil Veedu, Kunnamthanam P.O, Mallappally, Pathanamthitta
Kottayam	1.	Adv. K.C. Ajithkumar Anchery Complex, II Floor, Logos Junction, Kottayam
Idukki	1.	Adv. G. Prem Nath Alappad House, Pannoor P.O, Thodupuzha, Idukki District
Ernakulam	1	Adv. Jeemon John Arackal House, Vengoor, Kidangoor P.O Angamaly Via, Ernakulam – 683591
	2.	Adv. Sithara.S Veluthedathu, T.C 4/1548 A, Pullupalam Road, Fort Cochin, Cochin 680001
Thrissur	1	Adv. K.P Nisha, Kunnathully House, Swaga Nagar, S.N. Road, Koorkanchery P.O, Thrissur-7
Palakkad	1.	Adv. Reghu Krishna Nivas, 13/733, Coimbatore Road, Palakkad
Kozhikkode	1.	Adv. P. Krishna Kumar M-6, P.K Buildings, Koyassan Koya Road, Calicut
Malappuram	1.	Adv. Shibu.A.K A.K. House, Vazhakkattiri, Koottilangadi, Malappuram- 6765006
Wayanad	1	Adv. Saji Vellaramkunnel, Near Mariamman Coil, S. Batery P.O, Wayanad 673592
Kannur	1.	Adv. S.J Abraham, Gokul Street, Koothuparamba P.O, Kannur District
Kasargod	1	Adv. Narayan Nair, Kodothu, Kanjangad , Kanjangad P.O, Kasargode

Item No. I (2) Confirmation of the Minutes of the 286th Meeting held on 10/10/2006.

The Authority confirmed the Minutes of the 286th meeting of Kerala Water Authority held on 10th October 2006.

Item No. I (3) Review of action taken on the decision of previous meetings.

The Authority noted the contents.

Item No. II (1) Cash Flow Statement for the period 01/4/2006 to 30/9/2006 and Projected Cash Flow for the period 01/10/2006 to 31/3/2007

The Authority noted the contents.

Item No. II (2) Review of billing and Collection for the month of September 2006

Res. No. 7270 The Authority resolved to approve the proposal of the Managing Director to conduct District Level Adalats and to delegate powers to the Adalat Committee to waive the water charges or other charges of the petitioners in deserving cases considering the merit of the case and to conduct the Adalat as proposed in the Agenda Note. The Authority also resolved to extend the benefit of one-time settlement of arrears of non-domestic and industrial consumers resolved vide Res. No. 7231 of its 284th meeting held on 31/8/2006 for a further period of 30 days from 18/11/2006 to 17/12/2006 under the same terms and conditions stipulated as the response from the consumers is encouraging.

Item No. III (1) JBIC Assisted Kerala Water Supply Project – Bid for Package IV – Service Reservoirs – Proposal for award of contracts.

Res. No. 7271 The Authority noted the contents of the notes. It observed that the firms whose offers were recommended to the Authority had submitted their requisite EMD. The Authority expressed its concern on the fact that the Agenda Note placed before it on 10/10/2006 does not contain the information of the EMD furnished by M/s. EPIL even though, the Bank Guarantee was dated: 29/9/2006.

The Authority observed that the 1st tender invited for the work was cancelled and resorted to re-tendering as the rates quoted was very high as resolved by the Authority vide Res. No. 6867 of its meeting held on 12/4/2005 and as approved by the Empowered Committee in Government on its meeting held on 14/6/2005. This was also approved by the JBIC. The decision was to cancel the bids and to invite fresh tenders after re-packing the works with post qualification. Accordingly fresh tenders were obtained after repacking the works with 8-hour demand instead of 12-hour demand in the 1st tender. However, on evaluation it was observed that the amounts offered by the lowest bidder was much higher than the lowest bids that had been received for 12 hours duration by Rs. 29.00 crores. The Authority in its meeting held on 30/6/2006 considered the matter and vide Res. No. 7205 resolved to recommend to the Empowered Committee in Government to

- (a) Cancel the tenders received in the re-tender and
- (b) To carryout negotiation with L1 bidders of the original tender after obtaining concurrence from JBIC.

The Empowered Committee in its meeting held on 25/8/2006 accepted the recommendation of the Authority. JBIC also informed their approval.

Accordingly, negotiation was done with the lowest evaluated bidder in the 1st tender call with revised Bill of Quantities (BoQ) and modified capacities of reservoirs.

(1) M/s. IVRCL Infrastructures & Projects Ltd., Hyderabad for Thiruvananthapuram, Meenad, Kozhikkode and Pattuvam.

(2) M/s. Engineering Projects India Ltd. for Cherthala.

The outcome of the negotiation was placed before this Authority in its meeting held on 10/10/2006. But the Authority observed that the negotiated offers cannot be considered as the offers are without the requisite EMD. Hence the Authority directed the Managing Director to place it in the next meeting of the Authority after obtaining the requisite EMD.

In the meantime a representation was received from M/s. Shriram EPC Ltd. who had offered the lowest rate in the 2nd tender, challenging the decision taken by the Authority to cancel the 2nd tender and to revoke the 1st tender already cancelled. The Authority noted the contents of this representation also. The Authority noted that the lowest tenderers in the original tender viz. M/s. IVRCL and M/s. EPIL had also participated in the second tender. Their offers were not the lowest in all the packages and therefore there is some substance in the complaint of M/s. Shriram. Having made the negotiated tender specification equal to 8-hours storage, it would tantamount to giving opportunity to bidders who had not stood lowest in 2nd tender. The Authority also noted that the request of M/s. Shriram is to render justice to the lowest bidders of the 2nd tender. The Authority noted that the validity of the EMD received from M/s. IVRCL and M/s. EPIL are valid up to 31/12/2006. The Authority found that the method adopted in having negotiation with L1 bidders of the first tender is totally acceptable according to the JBIC guidelines and therefore could be considered for recommendation, as it was also more economical to Kerala Water Authority. The legal opinion obtained by Kerala Water Authority also confirms this. The Authority also observed that in the event of any delay in

finalizing this package, it will affect other agreements as the contractual obligation of Kerala Water Authority like testing, commissioning, defect liability period, etc. will be affected in addition to over all delay in implementing the project. Re-tendering the work again would also not fetch any better offer as it had already been proved in the 2nd tender. However, considering the representation of M/s. Shriram and the fact that there is a fair chance that the matter could be dragged to litigation, which would delay the whole JBIC Project, after detailed discussions and considering the legal aspects, the Authority finally resolved to give one more chance to the firms who had technically qualified and quoted for both the tenders viz. those who had been pre-qualified and quoted in the first tender and those who had quoted and qualified in the 2nd tender other than the lowest quoted firms on negotiation for submitting a revised price bid under revised BoQ and modified capacity of reservoir. All the firms other than M/s. IVRCL and M/s. EPIL shall also be asked to submit the requisite EMD along with their offer for further consideration; if not already deposited with Kerala Water Authority. The lowest quoted firms on negotiation and now recommended to this Board shall be given a chance to submit a revised reduced rate, if they desire so. The Authority also resolved to recommend the above decision to Empowered Committee in Government for approval and to JBIC. The Authority directed the Managing Director to take speedy action on the matter so that all exercises will be completed before end of 31/12/2006 and that final orders are released before 31/12/2006, ie, before the expiry of the validity period of the offers.

Item No. IV (1) ✓ *CARWSS to Mulavoor, Asamanoor and Thrikkanyoor (part) villages – laying 300 mm CI CI-B raw water pumping main 3615 m – Proposal under supplying and laying.*

Res. No. 7272 The Authority noted the item and resolved to accord sanction for arranging the work of laying 300 mm CI (CI-B) Raw Water Pumping Main – 3615 m under CARWSS to Mulavoor, Asamanoor and Thrikkanyoor (Part) village under supplying and laying basis.

Item No. IV (2) Augmentation of Water Supply Scheme to Attingal -- Supplying and laying DI K9 pipe for raw water pumping main – tender

Res. No. 7273 The Authority noted the item in detail and after discussion, resolved to accord sanction for the work of Supplying and laying DI K9 pipe for raw water pumping main for Augmentation of Water Supply Scheme to Attingal to the lowest tenderer M/s ABG Engineering (India) Pvt. Ltd at their negotiated quoted amount of Rs 248.5 lakhs.

Item No. IV (3) ARWSS to Angadippuram and adjoining villages – Phase I for Elemkulam village - laying 200 mm CI class A Clear Water Pumping Main from Treatment Plant site to GLSR at Perumparamba (Zone-I) – proposal for supplying and laying basis.

Res. No. 7274 The Authority noted the item and resolved to approve the proposal for the subject work of laying 200 mm CI Class-A clear water pumping main from treatment plant site to GLSR at Perumparamba (Zone-I) for a length of 5300 m for an amount of Rs. 1,27,50,000/- under supplying and laying basis.

Item No. IV (4) Deposit work – Providing Water Supply to KINFRA at Nellad in Mazhavannoor Panchayat.

Res. No. 7275 The Authority resolved to accord Administrative Sanction for taking up the works of 'Providing water supply to KINFRA at Nellad in Mazhavannoor Panchayat' as a deposit work of M/s. KINFRA at an estimated cost of Rs. 31.91 lakhs for which M/s. KINFRA had already deposited Rs. 34.50 lakhs.

Item No. V (1) Supply of PVC pipes by M/s Kamal Pipes –Extension of delivery period - sanction sought for.

Res. No. 7276 The Authority resolved to grant extension of delivery period for the supply of PVC pipes by M/s Kamal Pipes, Kochi as per the supply order NO.KWA/HO/SP-2149/2004-2005/PVC/Kamal dated 20/12/2005 up to 20/08/2006 imposing Liquidated Damage clause as per the agreement conditions

Item No. V (2) Orders to ban business dealings for three years with M/s. Cicily Chemical Industries Kottayam and M/s. Starlime Products, Thrippunithura - Request of the firm to cancel the order.

Deferred

Item No. V (3) Pre – qualification of manufacturers of pumps having capacity above 25 HP – Modification suggested for the present system.

Res. No. 7277 The Authority after detailed discussion resolved to accord sanction to invite fresh tenders for enlisting new manufacturers of pumps, motors and other accessories incorporating the clause in the NIT that “the manufacturers can authorize their authorized dealers for submitting the tender, signing the agreement, supplying and erecting the pump and accessories subject to the condition that all responsibilities for the tender submitted by their authorized dealers, for the performance and guarantee of the pumps and motors supplied etc rest with the manufacturers alone”.

Item No. VI (1) KWA-Estt. – Appointment of Overseer Grade III – Sri. Sarath Babu.T – request for extension of joining time for a period of 90 days (3 months).

Res. No. 7278 The Authority resolved to sanction three months time for joining Kerala Water Authority with effect from 23/8/2006 to Sri. Sarath Babu.T as per rules as he has to get relieved of his service at the Kerala Police Department.

Item No. VI (2) Conversion of personal residential telephone to official residential phone for the Dy. Chief Engineer (P&M).

Res. No. 7279 The Authority resolved to accord sanction for the conversion of residential telephone bearing No. ‘2436569’ into official residential phone of Smt. B.K.Ratnakumari, Deputy Chief Engineer (P&M) with effect from 07/8/2006 subject to the conditions specified

- Item No. VII (1) Purchase of new car*
- Res. No. 7280 The Authority resolved to approve the proposal for the purchase of a new Diesel Ambassador Car for the use of the Superintending Engineer, PH Circle, Muvattupuzha on replacement basis.
- Item No. VII (2) Advocate fee to Sri. K.Vasantha Kumar, Advocate, Thiruvananthapuram in OS No.215/06.*
- Res. No. 7281 The Authority resolved to pay Rs.9500/- as advance legal fee to Sri. Vasantha Kumar, Advocate conducting the case No. O.S. No.215/06. The Executive Engineer's action in having paid the advance legal fee of Rs.5000/- is ratified. The Managing Director is authorized to pay balance advance fee of Rs.4500/-.
- Item No. VII (3) Golden Jubilee of Kerala formation day – display advertisement in The Hindu English daily – ratification.*
- Res. No. 7282 The Authority resolved to ratify the action of Managing Director in having released a display advertisement to 'The Hindu' daily worth Rs. 20,000/- in connection with the Golden Jubilee of the formation of the Kerala State.
- Item No. VII (4) Request for display advertisement – Kerala day special – The New Indian Express – ratification.*
- Res. No. 7283 The Authority resolved to ratify the action of Managing Director in releasing display advertisement to The New Indian Express on the auspicious occasion of the 50th Anniversary of the formation of Kerala State on November 1st worth Rs. 10,000/-.
- Item No. VII (5) Releasing of tender notices – request for including in the KWA panel of Media list – Request of Deccan Herald/Chronicle.*
- Res. No. 7284 The Authority resolved to include the name of Deccan Herald and Deccan Chronicle English dailies in the media list of Kerala Water Authority for releasing tender notices.

Item No. VIII (1) ARWSS to Manalur and Karumukku Villages in Manalur Panchayat and Technology mission RWSS to Venkidangu – Supplying and laying 300mm dia. DI K9 common clear water pumping main from Olari sump to Puthenkulam Junction – Reach – I, Reach – II, Reach – III and Reach IV.

Res. No. 7285 The Authority resolved to approve the proposal for the subject work of laying 10800m of 300mm dia. DI K9 clear water pumping main from Olari sump to Puthenkulam Junction under supplying and laying basis, which is common for the scheme viz. ARWSS to Manalur and Karamukku villages and Technology Mission RWSS to Venkitangu for a total estimate amount of Rs. 3,55,23,000/-.

Item No. VIII (2) Water Supply Scheme to Sreekrishnapuram and adjoining Panchayat – Laying Raw water pumping main under supplying and laying basis – Proposal for Reach I, Reach II and Reach III – sanction.

The Authority directed the Managing Director to place the proposal again for its consideration and decision once the required funds are available for the balance work of the scheme.

Item No. VIII (3) Centrally sponsored AUWSS to Pattiam and Kottayam Census Towns -Construction of intake well cum pump house, leading channel, approach bridge, road and transformer yard at upstream side of Pazhassi barrage – Tender.

Res. No. 7286 The Authority resolved to award the work of construction of intake well cum pump house, leading channel, approach bridge, road and transformer yard at upstream side of Pazhassi barrage for Centrally Sponsored AUWSS to Pattiam and Kottayam Census Towns, to the lowest tenderer Sri. K. K. Surendran, Keezhallur, Kannur at his reduced quoted amount of Rs. 1,08,02,469/- which is an overall excess of 49.98% above the estimate rate of Rs. 72,02,398/-.

Item No. VIII (4) ADB aided WSS to Kayamkulam Municipality and Arattupuzha Panchayath- Land Acquisition for Water Treatment Plant- Ratification.

The Authority directed the Managing Director to place a detailed note regarding the cost fixed for the land and the criteria under which the 30% excess over the rate fixed by the Collector is given along with the relevant rules there upon.

Item No. VIII (5) KWA-Estt. – Test exemption for declaration of probation – Sri. C.Mohanan, LD Clerk (Retd). WW (N) Sub Division, Thiruvananthapuram.

Res. No. 7287 The Authority resolved to exempt Sri. C.Mohanan, LD Clerk (HG) from passing the obligatory departmental test of MOP only for the limited purpose of sanctioning pensionary benefits since he has retired from service on superannuation.

Item No. VIII (6) Meeting Expenses for the State Water Policy Workshop held on 29th and 30th September 2006.

Res. No. 7288 The Authority resolved to accord sanction for a payment of Rs. 52,000/- in favour of Director, CCDU, Thiruvananthapuram being the proportionate expense incurred towards conducting a two-day Workshop on State Water Policy on 29th and 30th September 2006.

Item No. VIII (7) Declaration in the Legislative Assembly on 26/9/2006 by Sri. N.K.Premachandran, Hon'ble Minister for Water Resources – Action taken report.

The Authority noted the contents.


SECRETARY


MANAGING DIRECTOR


CHAIRMAN