

CHAPTER 1

INTRODUCTION

1.1. INTRODUCTORY

1.1.1. This Code is intended to define the scope of the functions of the officers in charge of Public Works working under the administrative control of Works. Irrigation and Power, Rural Development, Urban Development Departments and any other Departments to which the execution of Public Works is assigned by the State Government. Unless otherwise stated in the Code, the Rules in this Code apply to all public works and are complementary to those laid down in the Odisha Treasury Code, Odisha Service Code, Odisha General Financial Rules, and Central Public Works Account Code as adopted and other Rules issued by competent authority.

1.2. DEFINITIONS

1.2.1. Unless there be anything repugnant in the subject or context, the terms defined in this chapter are used in these rules in the sense as explained below.

- 1) **Accountant General**- means Accountant General, Odisha. He is the head of office of audit and accounts in the State under the Comptroller and Auditor General of India and when used in relation to a Public Works Division, the head of office to whom the accounts of the Division are rendered.
- 2) **Appropriation** - means appropriation of funds by means of appropriation Bill. Allotment means the assignment to meet specified expenditure of funds in favour of subordinate authority (subordinate spending unit).
- 3) **Administrative Approval** - This term denotes the formal acceptance by the Administrative Department concerned, of the proposal for incurring any expenditure in the Public Works Department on a work, initiated by or connected with, the requirement of such Administrative Department. It is, in effect, an order to the Public Works Department to execute certain specified works at a stated sum to meet the, administrative needs of the Department. requiring the work. Administrative approval is not required in the cases of petty works and repairs.
- 4) **Competent Authority** - means Government or any other authority to whom the relevant power may be delegated.
- 5) **Controlling Officer** - means Head of a Department or other Departmental Officer who is entrusted with the responsibility of controlling the incurring of expenditure and/or the collection of revenue by the authorities subordinate to the Department. In relation to the Departments in charge of public works, a list of officers declared as controlling officers is given in Appendix I.
- 6) **Chief Engineer** - means the Chief Engineer or any other engineer to whom the State Government have delegated powers and functions of a Chief Engineer. He is the administrative and professional head of that branch of the public works of which he is in-charge and is responsible to the respective Administrative Department for the efficient working of that Department of branch.
- 7) **Contract & Contractor** - The term 'contract' means any kind of undertaking written or verbal, express or implied, by a person not being a Government Servant or by a syndicate of firm, for the construction, maintenance or repairs of one or more works, for the supply of materials, or for the

performance of any service in connection with the execution of works or the supply of materials. The term 'contractor' means a person syndicate or firm, that has made such an undertaking but often its use is restricted to contractor for the-execution of works or for service in connection therewith.

8) Drawing & Disbursing Officer- means a head of an Office, and also any other gazetted officer designated by the Government of Odisha or Head of a Department or an Administrator, to draw bills, cheques and make payments on behalf of the State Government. The term shall also include a Head of a Department or an Administrator where he himself discharges such functions. The head of an Office may also authorise any gazetted officer serving under him to sign a bill or order for him in terms of provisions of S.R. 102 of the O.T.C. Vol. I and notes thereunder whenever such a course is considered necessary in the interest of the Office.

9) Department of Government - means the Department of the Government of Odisha as specified in the Rules of Business.

10) **Deposit Works-** shall mean works of construction or repairs the cost of which is met not out of Government funds, but is financed from non-Government sources, which may either be deposited in cash or otherwise placed at the disposal of a Divisional Officer. Works executed for municipalities, local bodies and public undertakings etc. fall under this category.

11) Financial Year - means the year beginning on the 1st of April and ending on the 31st of March following.

12) Govt. or State Government - means the Government of Odisha.

13) Governor - means the Governor of the State of Odisha.

14) Government Account - means the total of the Consolidated Fund Account, Contingency Fund Account and the Public Account of the State.

15) Head of a Department - means any authority, declared to be such by the competent authority with reference to Rule 20 of the Odisha Service Code. The declaration is made in general terms, and not with reference to certain specified rules only and includes any other officer, declared to be such by the competent, authority.

16) Local Body - means an authority legally entitled or specially empowered by Government to administer a local fund.

17) Project - means irrigation, navigation, embankment and drainage, water storage, civil or electrical works costing more than Rs. 25 lakhs which consist of several works and are to be executed by more than one Division.

18) Major Work - means an original work, the -estimated cost of which is Rs. 1, 00,000 or above.

19) Minor Work - means an original work, the estimated cost of which is over Rs. 10,000 but less than Rs. 1,00,000.

20) **Petty Work** - means on original work, the estimated cost which is Rs. 10,000 or less.

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21) Public Buildings - used in this Code apply only to buildings borne in the books of the Public Work Department and maintained from funds provided to them.

22) Public Work - means civil works, public health engineering works, irrigation navigation, embankment and drainage works and electricity works.

23) Public Works Department - means a Department of the State Government in administrative charge of Public Works.

24) Reappropriation - means the transfer of funds from one unit of appropriation to another such unit.

25) State - means the State of Odisha.

26) Subordinate Authority - means a Department of the State Government or any authority subordinate to it.

27) Treasury Rules - means the Treasury Rules of the State Govt. of Odisha embodied in the Odisha Treasury Code.

28) Work-Charged Establishment - means the establishment employed on the supervision or execution of a particular work, the cost of which is debitable to the work concerned.

29) The terms - used in this Code but not defined shall have the same meanings as explained in the C.P.W.A. Code.

CHAPTER 2 ESTABLISHMENT

2-1. ORGANISATION AND FUNCTIONS OF DEPARTMENTS IN-CHARGE OF PUBLIC WORKS

2.1.1. The business of Govt. is transacted in the various Department as per allotment of such business in accordance with the Rules of Business.

2.1.2. (a). The Departments responsible for public work are divided into several branches, each being in charge of a Chief Engineer as decided upon by the Government from time to time. For administrative purposes each branch is divided into circles, a circle into divisions, a division into subdivisions and a subdivision into Sections having territorial or functional jurisdiction as may be decided by the State Government from time to time.

2.1.2. (b). The Administrative Departments of Govt., Chief Engineers and Additional Chief Engineers responsible for various public works in the State are given in Appendix - I.

Note: The Chief Engineer, Electricity is the Electrical Inspector to Government, as defined in the **Indian** Electricity Act, 1912 in so far as the electrical installations belonging to the Government are concerned.

2.1.3. The Administrative Departments in charge of public works are required to execute works of other Departments of the State Government. They may also execute works on behalf of local bodies, public undertakings, recognised public institutions, Government of India and other State Governments or another work specified by the State Government.

2.2. DUTIES OF OFFICERS I. CHIEF ENGINEER

2.2.1. Each Chief Engineer is responsible to the Govt. in the administrative Department for the efficient administration of the respective Department of branch thereof and general professional control of public works within his jurisdiction. He will exercise full technical and supervisory control over all the officers under him.

2.2.2. Each Chief Engineer will exercise control over the duties of the officers of the Department in connection with the maintenance of the accounts, custody and disbursement of money, the custody of stores and timely submission of accounts to the A.G. He shall also ensure that all contracts, vouchers, muster rolls, Work charged establishment bills, works accounts, store accounts, material-at-site accounts and other documents required by the A.G. in connection with the audit of the transactions of the Public Works Department are made available to him or to the officers authorised by the latter.

2.2.3. Each Chief -Engineer will prepare annually the portion of the budget estimates relating to establishment and works under his control. It will be his duty to administer the grant and to keep a close watch over the progress of expenditure against it with a view to see that no excess is permitted to occur and that if additional funds are necessary, application for the same is made. It will further be his duty to see that the grant is fully expended in so far as it is consistent with general Rules and procedure. He will ensure the prevention of large expenditure in the last months of the financial year. He will also be responsible for ensuring that provision which is not likely to be needed during the year is surrendered immediately so as to enable the competent authority to appropriate it for other purposes and for the timely submission of the budget estimates to the Government.

2.2.4. Whenever the expenditure on a work administratively approved is likely to exceed the approved limits, it is the duty of the Chief Engineer to submit a revised estimate to competent authority in time before excess expenditure is incurred.

Similarly, in case of projects which have been approved by Govt. sub-head wise, the Chief Engineer should submit a revised project-estimate if the sub-headwise expenditure (sub-heads of Administrative Sanction) is likely to, exceed by more than 10 percent of the original provision, irrespective of the fact whether the project estimate as a whole exceeds the prescribed limit of original estimate or not.

2.2.5. The responsibility for all important structural designs under execution vests with the Chief Engineer who shall exercise careful control over the work of the Designs Directorate and the technical Sections.

2.2.6. It is the duty of the Chief Engineer to approve all designs and drawings, of all the component parts of the works of the projects for which he is required to give technical sanction as a whole.

The Chief Engineer may delegate powers of approval to designs and drawings of such component parts of a project the total cost of which comes within the power of technical sanction of the subordinate officers.

2.2.7. Whenever heavy damages are sustained by public works due to natural calamities like flood, rain, earthquake or accidents involving loss of life and/or Government property etc., the Chief Engineer should inspect the spot at the earliest opportunity and submit a detailed report to Government. (see para 3.7.14).

2.2.8. It will be duty of the Chief Engineer to inspect at least two Circle Offices and four Divisional Offices in a year with a view to see that prompt action is being taken at all levels for timely disposal of cases and correct and up-to-date maintenance of accounts and other records

with reference to sanctions and allotments. He will specifically review serious irregularities, lapses and losses brought out by, the Stores Verification Party.

Besides, he will cause the Branch Officers working in his office to inspect the respective branches of his own office twice in a year. He should inspect his own office once in a year. Copies of notes of inspection by the Chief Engineer should be submitted to Govt. within a month of such inspection.

2.2.9. The Chief Engineer, while inspecting the works under execution should invariably record his observations in the Register of Inspections maintained at the site of work for which the tender has been accepted by him or by Govt. He shall make final inspection of such works after completion thereof but before the payment of the final bills.

2.2.10. The general supervision and control of the assessment of revenue from works and from other sources on which the Department has control will vest with the Chief Engineer, who will frame necessary estimates and watch carefully the progress of the realisation during the course of the year.

II. GOVERNMENT ARCHITECT

2.2.11. It will be the duty of the Government architect to prepare plans for buildings and other works on the requisitions placed on him through the Chief Engineer, Roads & Buildings by any of the Heads of Departments.

2.2.12. He will inspect the sites of proposed buildings where this is considered desirable by the Chief Engineer, Roads & Buildings and also inspect buildings under construction and layout of buildings of importance.

2.2.13. He may advise the engineer-in-charge regarding minor variations in the architectural portions of buildings designed by him during execution and the engineer-in-charge will be responsible to carry out them. In case of difference of opinion, the decision of the Chief Engineer will be final.

2.2.14. He is the adviser to Government in regard to preparation of type plans and designs for all types of new buildings and other works. He will work under the general supervision and control of the Chief Engineer, Roads & buildings. He will assign such duties to Assistant Architects and Architectural Assistants as may be considered necessary in consultation with the Chief Engineer, Roads & Buildings.

Note: Even if the Government Architect has furnished the Architectural designs, it is the responsibility of the concerned Engineer competent to accord technical sanction to the estimate to satisfy himself of the technical soundness of the structure.

III. SUPERINTENDING ENGINEER

2.2.15. The administrative unit of the Departments is the circle in charge of a Superintending Engineer who is responsible to the concerned Chief Engineer for the administrative and general professional control of public works in charge of officers of the Department within his circle.

2.2.16. It will be the duty of the Superintending Engineer to inspect the various works in progress within his circle and to satisfy himself that the system of management prevailing is

efficient and economical that the different stores are duly verified according to the Rules laid down and that there is no accumulation of stock in any Division beyond its requirement and that the executive and administrative work of the circle is satisfactorily performed. He should also see that no delay is allowed to occur in the submission of completion reports of work. It will also be his duty to watch and control the rates paid for works and he may require a Divisional Officer to report to him such details of expenditure as he may desire.

2.2.17. The Superintending Engineer will inspect all the Divisional Offices in his circle and two Subdivisional Offices at least once a year and report on the efficiency of the subordinates, office and petty establishments, and see that the staff employed in each Division is actually necessary and adequate for its management. He will forward for the information of the Chief Engineer, reports of his inspection of Divisional offices detailing therein the results of his examination of initial accounts, accounts of stock, tools and plant and stock manufacture, register of works and other Divisional books, mode of preparation of estimates, contract/agreements, contractors accounts, system of recording plans and office work generally. He is required to make it his special duty during his inspection and tours to see that measurement books are carefully kept and measurements properly recorded. He will ensure that these measurement books are a complete record of the actual measurement of each kind of Work done for which certificates have been granted by the Divisional Officer. He should see that instruction regarding check measurement are duly observed. He should also ensure that the Divisional Officers are attending to audit objections, inspection reports and the reports of the Stores Verification Party promptly.

2.2.18. He should inspect his own office at least once a year.

Note: for rules regarding measurement and check measurements by superior officers see Appendix II.

2.2.19. In the discharge of his responsibilities for the maintenance of the authorised system of accounts throughout the circle, the Superintending Engineer should examine the books of the Divisional Officers and their subordinates and see that matters relating to primary account are attended to personally by the Divisional and Subdivisional Officers and that the accounts fairly represent the progress of each work.

2.2.20. The Superintending Engineer is responsible for the supervision, and control of the timely assessment and collection of those items of revenue within his circle of superintendence for which his, branch of the Department is responsible.

2.2.21. The Superintending Engineer is responsible to bring to the notice of the Chief Engineer any unusual occurrence or accident involving loss of life and/or Government property.

2.2.22. The Superintending Engineer will be responsible for the engineering features of all designs and the accuracy of the rates in the estimates submitted from his office. While submitting any report, design or estimate to the Chief Engineer, he will invariably state his own recommendation and opinion.

2.2.23. The Superintending Engineer while inspecting the various works under execution should invariably record the results of his inspection in the Register of Inspections maintained at the site of works, for which tenders have been accepted by him by or a superior authority. He shall make final inspection of such works after completion thereof but before payment of the final bill.

IV. DIRECTOR OF DESIGNS

2.2.24. Whenever any designs Organisation is attached to the Departments, the duties of the Director of Designs or the Superintending Engineer, Designs will be as follows:

- a) To prepare designs and drawings of the works on the requisitions placed on him or as directed by the Chief Engineer.
- b) To inspect the site for the proposed works and inspect the works under construction for preparation or modification of the designs as and when directed by the Chief Engineer.
- c) To compile the general technical data and keep all the technical records of all designs and important works as directed by the Chief Engineer.
- d) To revise the specifications and manuals of works from time to time and bring them up-to-date to keep pace with the latest technical development.
- e) To maintain the technical library of the Department.

V. DIVISIONAL OFFICER

2.2.25. The executive unit of the Department is the Division in charge of an Executive Engineer, who is called a Divisional Officer. He is responsible to the superintending Engineer of the Circle or Chief Engineer if the Division is directly under the control of the Chief Engineer, for the efficient execution and management of all works and in all matters within his Division. It is, therefore, a part of his duty to organise and supervise the execution of works and to see that they are suitably and economically carried out.

2.2.26. The Divisional Officer should ensure the preparation of plans and estimates for all works to be executed in his Division, any error in the sanctioned plan and any variation in the conditions at site and the sanctioned plans and estimates should be promptly set right to brought to the notice of higher authorities to get the defects remedied before the actual execution of work, as the case may be.

2.2.27. He should ensure prompt and efficient execution of works according to the terms of the contract; should ensure that no act is done to nullify or vitiate a duly executed contract; that materials are not issued to works in excess of requirements; that the cost of materials issued to contractors is recovered as per the terms of the contract, that the register of hire charges of tools and plant is properly maintained and the hire charges are regularly recovered; and that site accounts of materials issued direct to works are maintained according to Rules.

In case of works executed departmentally, he should see that the work is executed strictly according to the plan, design and specification; that materials are not issued to work in excess of requirement; that the hire charges of tools and plant engaged in the work are properly adjusted and that site accounts of materials are maintained according to rules.

2.2.28. He must inspect important works in his Division to ensure their execution according to the sanctioned plans and estimates of higher authorities.

2.2.29. In order to ensure that his subordinate staff are performing their duties properly, specially in respect of measurements of work, preparation and maintenance of muster rolls and work done by work charged establishment, he should inspect and test check all the primary records.

2.2.30. Before passing a contractor's bill, he must satisfy himself that the work has actually been executed in accordance with the detailed measurements recorded and should check measure the work; whenever necessary, in accordance; with the instructions contained in Appendix - II. He should see that payments due are promptly made in accordance with the prescribed procedure and terms of the agreement.

2.2.31. He is responsible for the preparation of the budget estimates of expenditure and revenue of his Division according to the Rules prescribed in the Odisha Budget Manual and instructions of the Controlling Officer issued from time to time. He is also responsible for obtaining necessary sanction for modification in allotment of funds, reappropriation and effective control over the expenditure in his

2.2.32. He is responsible for the timely and correct assessment and prompt recovery of such items of Government revenue and other dues collected through his Division and will maintain such records and accounts for the purpose as may be prescribed.

2.2.33. He is responsible for careful collection of data necessary for the preparation of designs in the Designs Directorate.

2.2.34. Divisional Officers are responsible for taking proper measures to preserve and maintain all Government works within their jurisdiction. They should keep accurate plans of Government lands borne on departmental registers. They should also see that their sub ordinates make themselves acquainted with the boundaries and see that Government land is not encroached upon.

2.2.35.It is the duty of the Divisional Officer to report immediately to the Chief Engineer through the Superintending Engineer any important accident or unusual occurrence connected with his Division and to state how he has acted in consequence (See paragraph 2-2-62(1) and 3-7-14).

2.2.36. He should intimate the Collector of the district cases of unusual occurrence which may cause a law and order problem, under intimation to the Superintending Engineer.

2.2.37. Any loss of cash, stores etc. caused by defalcation or otherwise when discovered should be immediately reported to the Superintending Engineer as well as to the Accountant General. Petty cases involving losses not exceeding **Rs. 500** each need not be reported to the Accountant General unless there are in any case important features which merit detailed investigation and consideration.

2.2.38. Divisional Officers are strictly prohibited from commencing the construction of any work or extending public funds without the sanction of competent authority and from making, or permitting any except trifling deviation from any sanctioned design in the course of execution except under specific authority or in case of emergency, when the change should be reported to the Superintending Engineer immediately.

2.2.39. Immediately on the completion of a work it will be the duty of the Divisional Officer to close the accounts of the work and prepare the completion report in the prescribed form. (See para 3-12-1)

2.2.40 (a). The Divisional Officer should take necessary steps to obtain funds for the works and establishment under his control and submit accounts punctually for the money received and spent by him to the Audit Office according to the Rules and orders in force.

2.2.40(b). He should maintain relevant initial records referred to in C.T.C. Vol. I in respect of personal claims of gazetted and non-gazetted Govt. servants of his establishment and exercise due scrutiny over the personal claims before the same are passed for payment as laid down in O. T. C. Vol. I.

2.2.41. He should exercise a thorough check and efficient control over his Divisional Account. He should before submitting monthly accounts, carefully examine the books, returns and papers from which the accounts are compiled. He has to ensure that the accounts furnished to the Accountant General are in accordance with the books maintained in the Division and they present a true and correct state of affairs.

2.2.42. He is responsible for the correctness of the original records of cash and stores, receipts and expenditure, in all respects and to ensure that complete vouchers are obtained.

2.2.43. He should see that the Sub-divisional Officer submit their accounts, various returns etc., complete in all respects on the due dates to the Divisional office.

2.2.44. It is his responsibility to see that the accounts are regularly posted from day to day and that the Divisional Account carries out his duties regularly and promptly.

2.2.45. He should undertake surprise verification of cash at least once a month in his own office and in the offices of the Sub-divisional Officers periodically and record a certificate of verification in the cash book.

2.2.46. He should pay prompt attention to all audit objections and reports and take steps to regularise the objections promptly and to avoid recurrence of irregularity of a similar nature. He should see that replies to inspection reports and reports of Stores Verification Party are sent promptly.

2.2.47. He should pay special attention to the timely procurement, storage, pricing, issue, proper utilisation and timely verification of stores in his Divisions. (See paragraph 5-4 6)

2.2.48. The Divisional Officer is held primarily responsible for affording information in cases of probable excess of actual over the estimated cost of work and should report any such probability to the Superintending Engineer at-once, describing the nature and cause of the excess and asking for orders. This report should be made on the work slip form. Divisional Officers must also submit to the Superintending Engineer the work slip with such explanation as will enable him to pass orders in the case, on the occurrence of any irregularity in the rate or cost of a sub-head. All important liabilities not brought into account should also be noted in the work slip. He need not, however, submit the work slip in cases in which he can pass the excess over estimates finally under the Rules.

2.2.49. Every Divisional officer is responsible to see that the surveying and mathematical instruments in his Division are properly maintained and will report on their condition to the Superintending Engineer at the end of each year. He should, at the same time take steps to repair them where necessary. Any damage to the instruments due to neglect or carelessness should be properly enquired into the responsibility fixed.

2.2.50. It will be the duty of the Divisional officer concerned to furnish Treasury or Sub Treasury Officer, after due inspection, with to furnish Treasury Officer, after the certificate prescribed in S.R. 71 of the Odisha Treasury Code Vol. 1, as to the security of strong rooms used or proposed to be used for the storage of money or other valuable property.

Note: The divisional officer may depute for this purpose any selected sub-divisional Officer.

2.2.51. If so required by the State Government the Divisional Officer concerned will inspect, at specified intervals and will report on, and suggest measures for the protection of any public monument or building of local architectural or historical interest, whether public or private property, which appear likely to fall into decay. It will be for the State Government to decide what steps are to be taken to obviate further neglect or destruction.

2.2.52. The Divisional Officer in addition to his other duties will consider himself to be the ex-Officio professional adviser of all departments of the State Government within the limits of his charge. In connection with such matters, he will deal with the civil authorities within his jurisdiction and it will be incumbent on him to see that no undue formalities are allowed to interfere with the performance of those duties which are essential or pressing.

2.2.53. Every Divisional Officer will inspect all Sub-divisional Offices, all independent Sectional Offices and some of the other Sectional Offices, in his Division at least once a year and record the results or such inspection in the prescribed manner. He must have the accounts of each of the Sub-divisional Officer under his jurisdiction (cash, stock, stores, tools & plant etc.) inspected by his Divisional Accountant twice a year.

He is required to make it his special duty during his tours to see that measurement books are carefully kept and measurements properly recorded and that they are complete records of the actual measurements of each kind of work done for which certificates have been granted. He should also see that any order of the Govt. regarding check measurement is duly observed.

Note: For rules regarding test check of measurement by superior officers see Appendix II.

2.2.54. Every Divisional Officer is responsible for the proper upkeep and utilisation of all the special tools and plant in his Division and should report their condition to the Superintending Engineer at the end of each working season. Any damage to the special tools and plant due to the neglect or carelessness should be properly enquired into and responsibility fixed. He should at the same time take steps to have their repair and bring them to proper working condition.

2.2.55. It is the duty of every Divisional Officer to inspect every important work under his jurisdiction at least once a year and furnish a report on its condition to the Superintending Engineer with suggestions for improvement, repair or otherwise as specified in the statutory or executive instructions issued by each Department.

2.2.56. It should be the duty of the Divisional Officer to review the Register of Agreements once a month. As soon as a work under an agreement is completed, he should ensure that the final measurements are recorded and duly checked by the competent authority within three months from the date of completion of the work. He should see that the bill is finalised as early as possible.

2.2.57. The Divisional Officer should review the register of purchase orders once in a month to see that suppliers are made according to the terms specified in the purchase orders. Whenever suppliers are not made within the stipulated time, he should investigate whether the materials are still required or not and accordingly take steps to extend the time delivery or cancel the purchase order in full or part. He should also ensure that the rates allowed in the supply orders are competitive and reasonable and that the goods are brought at the D.G.S. & D. rates wherever available.

2.2.58. The Divisional Officer should prepare the completion plan for record and submit to the Designs Directorate or other authorities as required.

2.2.59. The Divisional Officers under the Chief Engineer, Roads & Buildings are responsible for issuing certificates of fair rent and cost of buildings hired by Government for public purposes. The

Divisional Officer may also empower the Sub-divisional Officers working under him for issue of such certificates.

Other Divisional Officers are responsible for the issue of certificates of fair rent in respect of buildings hired by Government for use in their respective branches of Department concerned.

2.2.60.The duties indicated in the preceding paragraphs are illustrative and not exhaustive.

VI. SUB-DIVISIONAL OFFICER

2.2.61. Each Division is divided into a number of Subdivisions which are kept in charge of Sub-divisional Officers. A Sub-divisional Officer is responsible to the Divisional Officer in all matters concerned with the efficient management and execution of works within his Subdivision.

2.2.62. The Sub-divisional Officer should amongst other items of duties pay particular attention to the following:

a. Timely and careful field survey and investigation, preparation of plans and estimates including revised estimate for all works to be done in his Subdivision. Any mistake in sanctioned plans and any variation in the conditions as site and the sanctioned plan should be promptly brought to the notice of the Divisional Officer so as to get the defects remedied before actual execution of the work.

b. Prompt and efficient execution of work according to the terms of each contract. He should ensure that no act is done to nullify or vitiate a duly execute contract that materials are not issued to work in excess of requirement; that the cost of materials issued to the contractor are recovered as per the terms of contract; that the Register of Hire charges of tools and plant lent to contractors is properly maintained and hire charges regularly recovered; and that site accounts of materials issued to works are maintained according to Rules.

Note: unstamped hand receipt should invariably be obtained as and when materials are issued either to a work or to a contractor.

c. He must regularly inspect works in his Subdivision to ensure their execution according to sanctioned plans, estimates, specifications and orders of higher authorities.

d. In order to ensure that his subordinate staff are performing their duties properly, specially in respect of measurement of works, preparation and maintenance of muster rolls and work done by work charged establishment, he should regularly inspect and check these primary records. He should also ensure that all unused materials of the Department are brought into account.

e. Before preparing a bill, he must satisfy himself that the work has actually been executed in accordance with the detailed measurements recorded and personally inspect all works of any magnitude before recommending final payment in connection therewith. He must satisfy himself about the correctness of the previous and current measurements and must also take measurement of all important works and check-measure the prescribed percentage of measurements as laid down in the Appendix-II of this Code. He must satisfy himself about the correctness of all the measurements recorded.

f. He is responsible to see that proper accounts of stores and tools and plant are maintained in his Subdivision in accordance with the prescribed Rules and procedure and the periodical returns connected therewith submitted to the Divisional Officer punctually and in a complete form. He must physically count all the articles of stock in the Subdivision twice a year and submit a report to the Divisional Officer of all articles of stock which are not likely to be required during

the following twelve months. A: certificate regarding the actual verification of stock should be recording in the stock books under his dated signature. Similarly, verification of tools and plant articles and materials at site should be conducted annually on the prescribed date and a report submitted promptly of the results of the verification to the Divisional Officer. At the time of change of incumbency, the stores in the personal custody of the Sub-divisional Officer should be physically verified.

g. He should ensure that all serviceable surplus materials at site of works which have been completed, abandoned or stopped indefinitely are utilised in other works within a reasonable time or transferred to works in progress or brought into the stock accounts with the prior approval of the competent authority so as to effectively ensure utilisation of all useful materials without any loss to Government.

h. He will take necessary steps to obtain the cash and stores for works under his control and to keep accounts in the prescribed manner and submit them completely and punctually to the Divisional Officer as prescribed under the Rules in force. Case book, initial accounts and other registers prescribed under the appropriate Rules should be maintained and periodical returns in respect of them submitted to the Divisional Officer promptly and punctually. He should verify the case balance by actual counting at frequent intervals apart from doing so at the time of closing of the month. Before submission of his monthly accounts to the Divisional Officer he should again carefully examine the works returns and papers from which the accounts are compiled as it is his responsibility to ensure the correctness in all respects of the entries of the transactions made in these primary records with reference to vouchers and receipts.

i. He is responsible for the preparation of budget requirements of expenditure and revenue of his Subdivision and for obtaining the necessary sanction for modifications in allotment of funds, reappropriation and for effective control of expenditure.

j. He should maintain the prescribed registers in respect of all items of assets such as land, buildings, trees, canals, other structures, boats, motor launches and all special tools and plant and is responsible for the proper care of all Government properties in his jurisdiction.

k. He is responsible for the correct assessment and prompt recovery of all Government revenue and other dues relating to the Development under his jurisdiction.

l. He must report immediately any unusual, extraordinary or peculiar occurrence, which takes place within his subdivision to his Divisional Officer and to any other authorities as may, be necessary.

2.2.63. The duties indicated above are illustrative and not exhaustive.

VII. SECTIONAL OFFICER

2.2.64. Each Subdivision is divided into a number of Sections which are kept in charge of a Junior Engineer or Sub-Assistant Engineer and others who may be designated as Sectional Officer.

2.2.65. Sectional Officers are responsible for all matters connected with the efficient management of the Sections to their Sub Divisional Officers or their Divisional Officers direct, in cases where the Sections are directly under the charge of the Divisional Officer.

2.2.66. Sectional Officers should pay particular attention to the followings among other items of duties –

- a. Timely and careful field survey and investigation and preparation of plans and estimates entrusted to their charge. Any mistake in sanctioned plans and, any variation between the conditions at site and the sanctioned plan should be promptly brought to the notice of the Sub Divisional Officer or the Divisional Officer concerned with a view to get the defects remedied before actual execution of the work.
- b. Timely and efficient execution of work entrusted to their charge.
- c. Proper maintenance of muster rolls and record of work charged establishment,
- d. Proper upkeep of measurement books issued.
- e. Record of measurements in the measurement books of all works done by contract or otherwise as well as supplies received from all sources and preparation and submission of bills in prescribed forms for payment.
- f. Proper preservation and care of tools and plant, stock and other stores kept in their charge.
- g. Timely submission of budget, accounts and prescribed returns etc. to the Sub Divisional Officers concerned.
- h. Correct assessment and prompt collection of revenue entrusted to their charge.

2.2.67. The Sectional Officers must report immediately any unusual, extraordinary or peculiar occurrence connected with their Sections to their Sub Divisional Officers and other authorities as may be necessary.

2.2.68. The duties indicated above are illustrative and not exhaustive.

VIII. DIVISIONAL ACCOUNTANT

2.2.69. To assist the Divisional Officer in the discharge of his responsibilities regarding accounts and financial regularity of the transactions of the Division, a Divisional Accountant is posted to each Divisional Office by the Accountant General. The Divisional Accountant is responsible to the Divisional Officer for the correct compilation of accounts. He will exercise all the functions of the Treasury Accountant so far as check personal claims of gazetted non-gazetted persons are concerned whose pay is drawn by the Divisional Officer by cheque.

2.2.70. To enable him to perform the functions as an accountant, internal checker and financial assistant, he is treated as a senior member of the Divisional Office Establishment. The relative position of a Divisional Accountant to the Divisional Officer in respect of accounts is analogous to that of Sub-Divisional Officer to the Divisional Officer in respect of works. Other duties and responsibilities of the Divisional Accountant are to be governed in accordance with relevant provisions of the C.P.W.A. Code.

2.3. WORK-CHARGED ESTABLISHMENT

2.3.1. Work charged establishment falls under two broad categories (i) those who are engaged on general supervision of a specific work or of sub-works of specific project or upon the subordinate supervision of Departmental labour, stores and machinery; (ii) establishment as is employed upon the actual execution of work, i.e. in doing certain specified items of works as distinct from general supervision of work.

In case of employees falling under category (i), whether brought on transfer from the regular establishment or recruited directly, for supervision in connection with a work, the pay and allowances should be charged direct to work and the cost should invariably be shown under a separate sub-head of the estimate of the work and accounted for accordingly in the works abstract. In regard to employees coming under category, (ii) the pay and allowances should be debited to the concerned item of work and the outturn thereof should invariably be compared to see that the expenditure on the establishment is commensurate with the volume of work done.

Notes:(1) The provision for work charged establishment under category should generally be made at 2% of the estimated cost excluding the Departmental charges except the Rural Engineering Works costing Rs. 1lakh and below, the provision against which should not exceed 3% of the estimated cost.

(2) See Appendix III regarding service conditions of Work charged establishment.

2.3.2. The Chief Engineer, Superintending Engineer and Divisional Officer may subject to such restrictions which the State Govt. may impose, sanction the entertainment of work charged establishment may impose, sanction the entertainment of work charge subject to the provision under a separate sub-head of the sanctioned estimate. So far as employment of work-charged establishment for certain specified items of work is concerned (i.e. execution of work through Departmental labour), the expenditure on the establishment should be correlated with the corresponding provision in the sanctioned estimate, estimate and if there is no such provision in the sanctioned estimate, the estimate should be recast with the approval of the competent authority in order to see that the expenditure in is within the sanctioned estimate.

The following powers are delegated for employment of work-charged personnel subject to the condition that no post is sanctioned except on a time scale of pay prescribed by Government.

Chief Engineer ... Posts, the maximum of the time scale of which does not exceed Rs. 750

Superintending Engineer ... Posts, the maximum of the time scale of which does not exceed Rs. 550

Divisional Officer ... Posts, the maximum of the time scale of which does not exceed Rs. 315

If it is necessary to create a new post on a time scale of pay not confirming to the scale of pay Prescribed by Government, prior sanction of Govt. in the respective Administrative Department has to be obtained.

2.4. EMPLOYMENT OF MEDICAL ESTABLISHMENT

2.4.1. If in connection with the execution of any project a labour strength of 500 or more is collected or owing to the unhealthiness or remoteness of the locality, it considered necessary to make special arrangements for medical treatment of the staff and labour force, necessary provision for the purpose should be made in the estimate of the project or work. Dispensaries and hospitals set up for the above purpose will work under the technical control of the Director of Health Services.

These dispensaries or hospitals should be placed in charge of medical officer of the appropriate status deputed from the state medical cadre. The competent authority concerned may appoint,

non-gazetted medical and sanitary staff if these personnel cannot be obtained on deputation from the Health Department.

2.5. POLICE AND OTHER GUARDS

2.5.1. When travelling or when income on public duty, officers are allowed a guard for the protection of public property. Such guards are supplied without charge by the Police Department in respect of works connected with roads and buildings and on payment of charges in respect of irrigation and electricity works. Application for provision of such guards may be made to the Superintendent of Police by an officer in charge of a Division. Such guards Will not, however, be supplied unless the officer travelling is in charge of Government money or valuable Government property or unless the country is disturbed. In all cases, where, through the inability of the Police Department to supply a guard from the regular police force, special guards have to be entertained, the sanction of the State Government will be necessary. Officers; may however, in urgent cases entertained the guards in anticipation of sanction, reporting their action at once to the next higher authority. The services of such extra guards should be dispensed with directly if they are no longer required.

2.6. EMPLOYMENT OF LABOUR OFFICERS AND TEACHING STAFF IN PROJECTS

2.6.1. In major projects or when a large labour strength of 500 or more is collected for the execution of any work, Labour Officers maybe appointed, for the maintenance of harmonious relation between the Department and labour. The main function of the Labour Officer is to help in setting by conciliation and arbitration all disputes between administration and labour and between the contractors and labour. They are also charged with the function of ensuring fulfilment of statutory and other obligations by the Department towards contractors labour and for organising welfare activities and securing provision of amenities for labour, Labour Officers when appointed shall be brought on deputation from Labour Department. Provision shall be made in the estimate of projects or large works for a Labour Officer.

2.6.2. In cases where normal minimum educational facilities are not available near about any project area, the project authorities may set up schools, subject to the provision in the project estimate. The teaching staff for the schools may, as far as practicable, be obtained on deputation from the Education Department and the appropriate authority may appoint the required teaching staff, if staff is not available on deputation. The Schools, thus set up, would be under the technical supervision of the Education Department.

2.7. MISCELLANEOUS RULES

2.7.1. Persons employed in the Department and officers connected with execution of works, shall have no pecuniary interest directly or indirectly in the construction of any public work or in the manufacture, supply or sale of materials. They are further subjected to the Rules laid down in The Government Servants' Conduct Rules.

2.7.2. Every member of the Department must bear in mind that the receipt of commission or any consideration directly or indirectly on account of any business or transaction in which he may be concerned on behalf of Government is prohibited. Every officer of government is bound to report to his Departmental superior any infringement of this rule which may come to his knowledge.

CHAPTER 3

WORKS

3.1. CLASSIFICATION OF THE OPERATIONS OF THE DEPARTMENTS IN CHARGES OF PUBLIC WORKS

3.1.1. The operations of the Departments in-charge of public works are divided primarily into two classes, viz. (i) original works, and (ii) repairs or maintenance and operation.

In the case of the Irrigation & Power, Department, the operations further extend to the inspection of electrical installations by the authorised officers.

3.1.2. (a) Original works cover all new constructions including extension and improvement (or addition and alteration) to the existing works except as hereinafter provided.

Notes: (I) Expenditure on repairs to newly acquired or previously abandoned buildings to bring them into use falls within ambit of "original works".

(II) In the case of irrigation works, extension and improvement includes all works which either increase the efficiency of a system of work or its scope of action by an extension of or addition to it. (For allocation of expenditure between Capital and Revenue, see Rule 6 of statement 'A' to Appendix 2 of C.P.W.A. Code).

3.1.2. (b) When a portion of an existing structure or other works not being a road surface, road bridge, causeway, embankment ferry approach protective or training work in connection with a road, is to be replaced or remodelled (whether or not the change involves any dismantlement), and the cost of the change represents a genuine increase in the permanent value of the property as an asset, the work of replacement or remodelled, as the case may be, should be classed as "original work", the cost (which should be estimated if not known) of the portion replaced or remodelled being credited to the estimate for "original works" and debited to "repairs". In all other cases, the whole cost of the new work would be charged to "repairs".

(Exception: - For classification of petty and miscellaneous items see Appendix-2 of C.P.W.A. Code.)

Note: The expenditure on minor additions and alterations to residential buildings upto 5 percent of the capital cost and Rs. 10,000 in respect of non-residential buildings may be classified at the discretion of the Superintending Engineer as petty works expenditure and debited to 'repairs', provided that separate estimates are sanctioned in respect of such additions and alterations.

3.1.2. (c) When an existing portion of a road, road bridge, causeway, embankment, ferry approach, protection or training work in connection with a road is to be replaced or remodelled (whether or not the change involves any dismantlement) and the change represents an appreciable increase in the value of the property, the whole cost of replacement of remodelling as the case may be should be classified as 'new work' and the cost or value of the portion replaced, or remodelled should not be debited to "repairs".

3.1.3. The capital value of any portion of a building or on asset of capital nature which is abandoned or dismantled without replacement should be written off the total capital value in accordance with the Rules in the Odisha General Financial Rules and/or provisions made in this Code.

Note: When a damage to immovable property caused by natural calamity is not restored or partly restored the loss will have to be written off as otherwise the capital cost of the property including residential buildings as also the proforma accounts would be affected. In case the damage is fully restored no write off of the loss is necessary. The position will hold good both when the work is already completed or is still in progress.

3.1.4. The terms "repairs" or "maintenance and operation" includes all operations required to maintain in proper condition or put to service buildings and works in ordinary use. It also includes new works in circumstances indicated in para 3-1-2(b) and notes there under **and those indicated in Appendix-2 of C.P.W.A. Code.**

3.1.5. Original works are described as major, minor and petty when they cost **over** Rs. 1,00,000 or ,above over Rs. 10,000 but **not exceeding** less than Rs.1,00,000 and, Rs. 10,000 or less respectively.

(Works Department O.M. No. 22791., Dt. 18.08.94)

3.2. BASIC RULES FOR INITIATION OF PUBLIC WORKS

I. INTRODUCTORY

3.2.1. There are three essential prerequisites for commencement of public works, namely, (i) Administrative Approval, (ii) Technical Sanction, and (iii) Allotment of Funds. These are described in the following paragraphs.

II. ADMINISTRATIVE APPROVAL

(a) GENERAL

3.2.2. For every work (excluding petty works and repairs), it is necessary to obtain, in the first instance, the concurrence of the competent authority requiring the work. The formal acceptance of the proposal by that authority is termed administrative approval of the work and is in effect, an order to the officers in charges of public works to execute certain specified works at a stated sum to meet the administrative needs of the Department. While according to administrative approval, the competent authority may, either specify the amount by sub-head of work or for the work as a whole depending upon the nature of work and its, corresponding provision in the estimate.

Note: The communication of administrative approval is not, by itself sufficient authority for officers in charge of public works to take up execution of work. Execution can only be undertaken after funds are provided and technical sanction accorded to the detailed estimates. (See also paragraphs 3.2.6 & 3.7.1).

(b) PROCEDURE FOR OBTAINING ADMINISTRATIVE APPROVAL

3.2.3. It is the duty of the local Officer of the Department requiring the work to obtain the requisite administrative approval in two stages. An application for according 1st stage administrative approval for preparing Detail Project Report (DPR) should be submitted by the local Officer requiring the work to the authority competent to accord it, Expenditure towards preparation of this DPR will be met out of the lump provision made in the budget for survey and investigation.

After receipt of Detail Project Report (DPR) steps will be taken for land acquisition, forest clearance, preparation of detail alignment drawing (GAD) and detailed estimate. Thereafter, 2nd stage Administrative Approval of Competent Authority, on this detail estimate will be obtained by local Officer requiring the work. Budget provision for minimum 15% of the project cost is required for according 2nd stage administrative approval by Competent Authority. However, for relaxation of this budget provision of 15% of project cost, approval of the Finance Department may be obtained on case to case basis.

Further, the provision of minimum of 15% of the project cost are not to be insisted in case of resource tied up projects like RIDF, AIBP etc, subject to fulfillment of the following conditions:-

- a. No financial liability shall be incurred beyond the budgetary provision.
- b. DPR & GAD have been prepared
- c. Survey & Investigation have been completed, and
- d. Land acquisition & forest clearance have been obtained.
- e. Adequate provision of funds should be made in the subsequent budget (annual/ supplementary).

This detail estimate will be countersigned by the authority competent to accord technical sanction and will be for awarded by the countersigning Authority direct to the Competent Authority. The amount of Departmental charges, if any leviable on the works should be clearly indicated in the estimate as a separate item below the total for works outlay. When works of other Department are provided in the P.W. Department budget, no Departmental charge is leviable.

(Department Memo No. MISC (7/02) 6235, Dt. 09.06.2005)

Note: When, however, if the work is not likely to cost more than Rs. 20,000 for electrical works and Rs. 40,000 for other works, detailed plans and estimates may be prepared in the first instance and submitted to the authority competent to accord administrative approval. The competent authority after according administrative approval should return the plans and estimates to the officer of the Department in charge of public works competent to accord technical sanction.

3.2.4. This procedure will also apply to modifications of the proposal originally approved, if likely to necessitate the eventual submission of a revised estimate, to material deviations from the original proposals even though the cost of the same may possible be covered by savings on other items, deviation within the subheads of the projects in excess of 10 per cent and to cases where

the detailed estimates, when prepared, exceed the amount administratively approved by more than 10 per cent. In these cases, as also in cases in which it becomes apparent, during the execution of the work, that the amount administratively approved will be exceeded by more than 10 per cent, owing to increase of rates or other causes, the revised administrative approval of the competent authority must be obtained to the increased expenditure without delay, and in the case of modifications during construction without awaiting the preparation of a detailed supplementary or revised estimate. This excess of 10 per cent is meant, to cover only the extra expenditure in the estimate during construction strictly according to approved plan and specifications and cannot be utilized for changing the scope of the estimate or plan vide paragraph 3.7.5.

Note: (1) In cases where the amount of the accepted tender exceeds the amount of administrative approval by more than 15 (fifteen) percent revised administrative approval should be obtained. In case, of delay permission from the authority competent to accord administrative approval should be obtained before commencement of work.

(2) In cases where the total value of a contract increases due to deviation in the course of execution and in consequence thereof, the amount of administrative approval is likely to exceed the prescribed limit of 15 (fifteen) percent approval to the deviation statement can be accorded by the authority competent to accept the tender after the revised administrative approval is obtained. In case of delay, clearances from the authority competent to accord revised administrative approval to proceed with the work should be obtained.

3.2.5. For works required not for a particular Department but in the interest of the general public, e.g., communications, irrigation works/flood control works, public health engineering works, electrical works other than installations in buildings and miscellaneous improvements, preliminary plans, designs and estimates should be submitted by the concerned public works officer to the competent authority for according administrative approval.

3.2.6. The power of various authorities to accord administrative approval to works are regulated by specific orders of delegation in paragraphs 6-2-3 and 6-3-1 of this Code and by special orders of Govt. from time to time.

III. TECHNICAL SANCTION

3.2.7. For every work proposed to be carried out, except petty works, petty repairs and repairs for which a lump sum provision has been sanctioned under paragraph 3-4-37, a properly detailed estimate must be prepared for the sanction of competent authority. This sanction is known as the 'technical sanction' to the estimate and unless otherwise provided, must be obtained before the execution of any work is commenced except in cases referred to in paras 3-7-1 and 6-1-3 of OPWD this Code. As the term indicates, it amounts to no more than a guarantee that the proposal is structurally, sound and that the estimate is accurately calculated and based on adequate data. Such sanction will be accorded by the public works officers who are authorised to do so. In the case of an original work, other than petty work, the counter Signature of the local Head of the Department on behalf of whom it execution is proposed, or of such other officer of lower status as may have been empowered to accord administrative approval to it, should be obtained to the plans and estimates in token of, his acceptance of them, before technical sanction to the latter is accorded. It subsequent to the grant of technical sanction, material structural alterations are contemplated, the orders of the original sanctioning authority should be obtained, even though no additional expenditure may be involved by the alterations.

Note: (I) For powers of various authorities to accord technical sanction (See paragraph 6-3-2).

(II) Until funds for the work have actually been allotted by a competent authority, a Divisional Officer cannot be required, except by his Departmental superiors to prepare the detailed plans and estimates necessary for the purpose of technical sanction.

(III) The authority according technical sanction to an estimate should retain a copy in his own office and the original should be recorded in the Divisional Office. The executive subordinates in charge of the work should also be furnished with copies of the sanctioned estimate.

(IV) A return of all sanctioned estimates costing more than Rs. 25 lakhs in respect of projects and Rs. 10 lakhs in respect of non-projects should be sent to the Accountant General, Odisha. While technical sanctions are accorded to works forming parts of the project costing more than Rs. 25 lakhs, copies of such sanctions quoting reference number and sub-work of the main project should also be furnished to the Accountant General.

(V) A register of sanctioned estimates in respect of estimates sanctioned by Divisional officers and officers higher than him should be maintained in each Sub-division and Division in the prescribed form. A similar register should be maintained in the office of the Superintending Engineer and Chief Engineer for the estimates sanctioned by them.

IV. ALLOTMENT OF FUNDS

3.2.8. Allotment of funds referred to in para 3-2-1 and 3-7 -1 mean provision of funds to meet expenditure on a specified object. The funds are provided either in the budget or by supplementary demands, reappropriation and advances from the Contingency Fund in urgent cases.

In cases where lumpsums provision is made (e.g., minor works grant, repairs grant, tools and plant, suspense etc.) necessary funds are allotted by the controlling officers.

The allotment available for works in Departmental budget of other Department may be placed at the disposal of the concerned Department of P.W.D., if the works included therein are proposed to be executed through the agency of the P.W.D.

Note 1: Where the budget provision has been admitted in anticipation of administrative approval, expenditure should not be incurred until the administrative approval has been accorded by the competent authority. In exceptional cases, where it is considered necessary to go ahead with the execution of a project, **specified specific** authorisation of Govt. will be necessary before expenditure is incurred. Such cases will not be considered unless full details of the circumstances in which the administrative approval is being delayed and the reasons for going ahead with the work are furnished. The Administrative Department concerned will be competent to issue such orders of authorisation only in respect of projects other than residential buildings where the rough estimated cost is within their power of according administrative approval. In all cases of authorisation of this nature, the Chief Engineer should submit proposals for administrative approval within three months from the date of commencement of work.

Note 2: In case of tender accepted below schedule of rate, the tender amount excluding centages shall be treated as sanctioned amount and allotment will be limited to that extent. Any deviation in scope of work affecting the agreement amount in such an agreement will be governed by the relevant provisions of OPWD Code.

(Added 2013 vide OM No. 12366/W, dated 08.11.2013)

3.3. REQUISITION BY CIVIL OFFICERS

I. GENERAL

3.3.1. The procedure in this Section is applicable only in the case of works carried out by the Departments in charge of public works and does not hold good in the case of works carried out by other Departments.

3.3.2. Application for new buildings, water- supply and sanitary additions or alterations installations or Electrical fittings therein and for additions or alterations to existing buildings or any other works required for the use of any Department should be made by the competent officer of the Department concerned, in consultation with the Divisional Officer concerned, see also paragraph 3-2-2.

3.3.3. The local head of a Civil Department may call upon the Divisional Officer concerned to report on any proposal, viz. additions or alterations to the buildings, water supply and sanitary installations or electrical fittings therein and any other works in his use and to state roughly the probable cost. But the Divisional Officers cannot be required, except by their departmental superiors, to prepare the detailed drawings and the estimate required for the purpose of technical sanction of projects which they consider likely to cost a sum greater than that which can be administratively approved by the local head of the Department concerned, or those, however small their probable cost, in the necessity for which they do not concur.

3.3.4. The Divisional Officer must in each case exercise his judgment on the demand made, giving all proper weight to the opinions of the officers of the Departments concerned; but it is his duty to oppose any application of the funds at his disposal to works, the real necessity for which he is not satisfied and in every case in which he thinks that he cannot recommend the execution of a work called for by the officer of the Department concerned he should explain his objections to the officer concerned and if he fails to convince him, should refer the matter for the orders of the, Superintending Engineer. At the same time he is responsible to ensure that such references are not made unnecessarily.

3.3.5. The actual execution of works, asked for by civil officers, must in every case be dependent on the necessary funds being available.

II. PROCEDURE IN REGARD TO ORIGINAL PETTY WORKS COSTING RS. 10,000 AND LESS

3.3.6. The following procedure should be adopted in the case of new petty works or additions required by Civil Authorities, the cost of which is not likely to exceed Rs. 10,000. In respect of water -supply, sanitary and electrical installation works to both residential and non-residential buildings, the limit will be Rs. 5,000.

(i) The requisition should be made by the officers competent to order such work.

(ii) The Divisional Officer or an assistant or subordinate empowered by him to act in such cases, will record on the requisition (in Central Public Works Account Code Form No. 32) his opinion as to what work should be done and give on the face of the requisition a rough estimate of the probable cost.

(iii) The acceptance by the competent civil officer of the rough estimate of the probable cost at furnished by the Divisional Officer referred to in item (ii) above, is the administrative approval in such cases giving authority to the officer in charge of public work for the execution of the work after obtaining the sanction of the Superintending Engineer as indicated in Note I to para 3-1-2 (b).

(iv) In case the civil officer is not satisfied with the report of the deputed subordinate of the Divisional, he should refer to the Divisional Officer.

(v) In the case of petty works to residential buildings, it should be seen through rent statement that the standard rent of the building shall not generally exceed 7.5 per cent or 5 per cent of, the average emoluments of the class of tenants as the case may be for which it is intended and subject to further provision that the scale of accommodation and other fittings, if any approved by government shall not be exceeded by such petty work.

III. PROCEDURE IN REGARD IN ORIGINAL WORKS COSTING MORE THAN RS. 10,000

3.3.7. If the work is likely to cost more than Rs. 10,000 the following procedure should be adopted.

(i) The competent civil officer requiring the work should furnish the Divisional Officer concerned with the particulars and reasons for which the work is required, including in the case of residential projects the accommodation which is to be provided. While the Divisional Officer should show that his plan will get really generally suit the civil officer's requirement, he should give particulars as to the class of work which it is proposed to provide and show on what information his estimate of cost is based.

(ii) As a rule rough plans and estimates based on plinth area rate only will be prepared in the first instance. In the case of a work costing more than Rs. 10,000 and up to Rs. 20,000 for electrical works and Rs. 40,000 for other works, if funds are likely to be available within a reasonable period, detailed plans and estimates will be prepared in the First instance. In case of works likely to cost more than Rs. 20,000 for electrical works and Rs. 40,000 for other works detailed plans and estimates will not be prepared unless there is a likelihood of funds being available in the course of the year and the work is within the power of administrative approval of the civil officer. Rough estimate should, however be prepared with due regard to the prevailing Schedule of Rates and price structure and with sufficient accuracy so as to ensure that actual expenditure may not exceed the prescribed permissible limit. If the cost per square metre of the plinth area or other similar unitary method is adopted as the basis for the preparation of the rough estimate, the cost of the unit should not be based on mere guess work but on such reliable data as may be available.

(iii) When the total of the estimate is within his power of technical sanction, the Divisional Officer will send the plan and estimate direct to the civil officer. When the estimate exceeds his power of technical sanction, the plan estimate will be sent by the Divisional Officer to his Superintending Engineer, who after scrutiny and revision, if necessary, will forward them to the civil officer, if the Amount of estimate is within his power of technical sanction; otherwise he will forward them to his Chief Engineer who, after necessary check, will transmit them to the Administrative Department concerned.

(iv) After according or obtaining administrative approval to the project, the civil officer will return the plan and estimate to the officer of the Department in charge of public works from whom they were received. If only rough plan and estimate have been prepared for the project, he will after ensuring actual provision of funds in the budget estimate of the year or obtaining authority promise of such provision of funds from competent authority, request the Divisional Officer to proceed with the preparation of detailed plan and estimate for the project.

(v) The detailed plan and estimate when prepared along with the necessary report and specifications, will be sent to the requisitioning civil officer for counter signature of the authority who accorded the administrative approval and return. The Divisional Officer will then sanction the detailed estimate, if it be within his power of technical sanction or otherwise, he will submit it for technical sanction to the Superintending Engineer, who will, should it exceed his power of technical sanction, forward it to the Chief Engineer for such sanction.

IV. PROCEDURE IN REGARD TO REPAIRS

3.3.8. Procedure to be followed in the case of repairs (which do not come under ordinary repairs) is as follows:

- (i) The requisition will be made by the civil officer concerned in CPWA Code form No. 32.
- (ii) On receiving the requisition, the Divisional Officer will first satisfy himself as to the propriety of the work and that there is sufficient provision in the budget grant under the proper head of repair and that the funds have been duly allotted to him.
- (iii) The Divisional Officer may then order the immediate execution of the work, without the preparation of detailed estimate, provided that the cost is not likely to exceed Rs. 2,500.
- (iv) Should the budget grant under the particular sub-head be insufficient to meet the outlay, reference must be made to the Superintending Engineer.
- (v) When the approximate estimate exceeds Rs. 2,500 a detailed estimate must be framed and sanctioned by the authority competent to accord technical sanction.
- (vi) In case of repairs to electrical and public health installations in residential buildings the above procedure shall be followed when the cost of repairs exceeds Rs. 250.

V. LIMITATION OF SANCTION

3.3.9. Nothing in these rules is to be construed as a permission to officers to carry out in portions any group of works or alterations or to make purchases the cost of which in the agreeable aggregate would exceed what they are empowered to sanction under the Rules.

3.4. PREPARATION OF ESTIMATES

I. GENERAL

3.4.1. The papers to be submitted with the estimates for a work will consist of a report, a specification and a detailed statement of measurements, quantities and rates, quantity of materials and their rates and cost, number of special T & P and their cost, with an abstract showing the total estimate cost of each Item. These documents together form what is called the 'estimate' in the sense of this code. In the case of a project estimate consisting of several works, the report may be a single document for all the works and likewise the specifications; but details

of measurements and abstracts may conveniently be prepared for each work, supplemented by a general abstract bringing, the whole together.

In the case of estimates for 'repairs' or 'maintenance and operation' only the specification and the detailed statement of measurements and quantities with the abstracts will ordinarily be required. The report should state in clear terms the object to be gained by the execution of the works estimated for and explain any peculiarities which require elucidation, including, where necessary, the reasons for the adoption of the estimated project or design in preference to others.

The estimate should also show the amount that can be spent on the work in the first year of execution after its sanction and in each year thereafter for completion of the project. When necessary, detailed drawings in support of the proposals should accompany the estimate so as to correlate the entries in the estimates. The officers submitting the estimate should sign fully their names with the date, month and year on the plan and estimates.

Note: Apart from the above guidelines the Head of the Department in-charge of public works may also indicate the manner in which the project estimate containing various details like history, design, scope, rates, cost, establishment, financial return etc shall be prepared by the public works officers. (See Appendix-IV for preparation of estimates).

3.4.2. (i) To facilitate the preparation of estimates, a schedule of rates of each kind of work commonly executed in the different areas of the State annually approved by the Rate Board Committee or any other authority on the basis of prevailing rates of materials (for steel, cement etc. the controlled rates; for wooden materials the rates of M/S Odisha Orissa Forest Corporation etc. and for labour the rates fixed under the minimum wages Act, 1948) in different Places like urban areas, mining and industrial areas, unhealthy and inaccessible pockets etc as decided by Government should be kept in each Division and the rates entered in the estimate should generally, agree with such schedule of rate. But where for any reason these are not considered sufficient, a detailed statement must be given in the report showing the manner in which the rates used in the estimate are arrived at.

(ii) The schedule of rates should be prepared on the basis of rates prevailing in the different areas of the State, or on the rates prevailing in the area when so decided by Govt.; as it is used for the important purpose of preparing estimates, and also used as a guide in settling rates in contracts. Necessary analysis of the rates of each description of work and the varying conditions thereof should be given as far as practicable.

In working out the rates, the tenders accepted for working works during the twelve months preceding the date on which their preparation is due to begin and the tendency of rates and prices to rise or fall should be taken into account. When the rates and prices are changing rapidly, the Chief Engineer may issue orders at any time after obtaining approval from the authority finalising the schedule of rates that certain percentage should be added to or deducted from all the rates or from certain specified rates or from rates for certain specified class of items, e.g., for materials or for labour. In the data accompanying the schedule of rates for works, the contractor's profit should be shown as a separate item.

Note: Copies of schedule of rates together with with analysis of rates and amendments there to shall be furnished to audit.

3.4.3. The abstract of the estimate will show the total cost in rupees only of each kind of work; the only exception to this rule being the case of miscellaneous petty work which may be entered in the abstract without measurements the estimated cost alone being given.

3.4.4. The abstract of the estimate may under instructions of the Superintending Engineer be framed to show merely the quantity and cost of each completed item of artificer's work, e.g. brickwork, or it may be framed to show cost of labour and materials separately. The adoption of either form of abstract should be determined with reference to the mode in which it is proposed to carry out the work. If it is proposed to contract for the completed items of artificer's work such as masonry etc., then the first mentioned form of abstract will suffice. If it is intended to purchase or procure material and to employ labour for construction separately then the second form of abstract will admit of a closer, easier and earlier check on the outlay and it will therefore be necessary.

Note: If the mode of execution as contemplated at the time of preparation of the estimate is altered at the time of actual execution, the estimate should be recast accordingly before executing the work and approval of authority competent to accord technical sanction should be obtained.

3.4.5. All incidental expenditure which can be foreseen such as compensation for land or cost of land, sheds for workmen and stores, should be separately provided for in the estimate. In addition, provision should also be made for unforeseen contingencies at 5 per cent for works costing less than rupees one lakh and at 3 per cent for works costing between rupees one lakh and rupees five lakhs and at 2 per cent for works costing more than rupees five lakhs. The provision for contingencies may not be diverted to any new item of work or repair which is not provided for in the estimate and the cost of which exceeds Rs. 2,500 or such smaller sum as may be fixed by the State Government, without the sanction of the Superintending Engineer.

3.4.6. The rules regulating the inclusion in estimates of the approximate cost of the establishment and tools and plant will be found, in respect of irrigation projects, in paragraph 3.4.19 (3) below and in respect of other works, in the Central Public Works Account Code.

3.4.7. Estimates for works on which it is intended to use prison labour will, as in the case of free labour, provide for the full market value of the work to be done, but a note of the reduction, if any to effected thereby should be made at the foot of the, abstract of the estimate.

3.4.8. In framing estimates it will be necessary whenever it has been arranged to obtain stock or tools and plant for a work from another Department or Division to ascertain from the Department or Division the value of such materials and, if the rules require the transfer to be effected free of charge, to deduct this value at the foot from the total of the estimate.

3.4.9. When a public works officer prepares plan and estimate for a work, the execution of which is likely to affect or interfere with the works of other Departments/Railways/Post & Telegraph etc. the latter should be consulted well in advance with necessary plans and drawings so that their views are obtained before proceeding with the execution of work.

3.4.10. (i) On every estimate, whether submitted to the Chief Engineer or Superintending Engineer for sanction or sanctioned by the Divisional Officer under the powers delegated to him a certificate in the following form should be recorded by the Divisional Officer.

"Certified that Shri..... has reported that he has personally visited the spot and prepared the estimate using the sanctioned schedule of rates and providing for the most economical and safe way of executing the work".

(ii) In addition to the usual abstract, all estimates should have attached thereto, a statement of materials both local and foreign required for the execution of the work giving particulars as to the materials available in the stores and required to be freshly purchased or to be supplied by the contractor.

(F.D. Notification No.-18672, Dt.- 19.04.93)

(iii) No item showing a lump sum provision should be included in the estimates irrespective of the cost if complete details can be worked out and shown in the estimate stage itself. If however, the details are not available at the time of preparing the estimate, a lump sum provision may be made and immediately after sanction details estimates therefore should be prepared and sanctioned by competent authority before the works are executed against such lump sum provision.

II. ORIGINAL WORKS

A. CIVIL BUILDINGS

3.4.11. The Site of every building should, as far as possible, be definitely settled before the detailed designs and estimates are prepared.

(See Appendix V for selection of sites and Appendix IV for preparation of estimate for buildings.)

3.4.12. In all cases, local authorities must be consulted as to the convenience of the site. In the case of works or buildings which are intended to be erected in the neighbourhood of any fort or cantonment, the matter should, in the first instance be referred to the local military works officer for an expression of his opinion from a military point of view, and then submitted to the Government of India, Ministry of Defence for concurrence and when such concurrence has been obtained no deviation is permissible without previous reference to that Ministry.

3.4.13. Rules regarding zones of defence works will be found in Army Regulations, India Special attention is drawn to the restrictions on the construction of buildings, alteration of ground level and collection of materials in such zones; and to the prohibition of the transfer of State land in zones without the sanction of the Government of India.

3.4.14. Powder magazines and all buildings which, from their height or exposed situation, are likely to be struck by lightning should be provide with lightning conductors, in accordance with such instructions as the State Government may issue. All conductors and their connections with the earth should be inspected and tested periodically by the Divisional Officer of the Electrical Divisional concerned, a report of each such inspection being submitted to the Superintending Engineer.

B. Roads

3.4.15. It may be regarded as a fundamental rule that no road, bridge, ferry, tunnel, ropeway or causeway in charge of the Public Works Department should be abandoned or allowed to fall out of repairs without the prior sanction of the Government.

3.4.16. (a) Before the estimate for road project is prepared, preliminary investigation is to be carried out where necessary. Projects for roads when submitted for sanction should be accompanied by the following documents:

(i) Report detailing history, design, scope, rates, specifications, volume of traffic, nature of soil references, cost and mode of execution etc.

- (ii) Detailed measurements and abstract of cost.
- (iii) Index map, scale 1:50,000.
- (iv) Plans, scale 1:5,000. Longitudinal and crosses or transverse sections, scale horizontal 1:1,000 to 1:100 and vertical 1:100 to 1:10 as applicable.
- (v) Detailed drawings of all engineering works such as bridges etc. scale 1:100 or 1:50 for plan and estimates.
- (vi) Detailed drawings, as per scale given in (v) above of structures, dwellings or inspection bungalows, and quarters for subordinates and gangs.
- (vii) For the purpose of estimate, the approved quarry lead is to be provided judiciously. Engineers in charge would be responsible for ensuring the quality of the materials supplied. The contractors would however, be responsible for procurement of materials from authorised sources and voluntarily disclose the source of procurement for the purpose of billing. Besides, the bidder would be required to submit the details of quarry for procurement while submitting the bids.

[Amendment-2013 Vide O.M. No. 12366/W, dated 08.11.2013]

Note: (a) The scale noted above may be reduced or increased according to the nature of the project.

- (b) Estimates for new lines of road should include the cost of all dwelling and inspection houses intended to be built alongwith it for accommodation of sub-ordinates and others.
- (c) Necessary provision should also be made for shifting of pipe lines, drainage works, electrical poles, cables and telephone lines, if any, coming in the way of new alignment.

C. BRIDGES

3.4.17. (i) Estimates for bridges, in addition to the reports and plans as in the case of roads, should be accompanied by waterway calculations and sections of trial pits and borings of the stream bed.

(ii) Before detailed estimates for bridges are made, as many trial pits or borings as are considered necessary should be taken for each pier and abutment. It is necessary to make a careful preliminary investigation of the sub-soil in order to ascertain exact nature of the strata and determine accurately the stability of sites for bridges, etc. and the depth to which foundations should be taken.

(iii) Estimates for bridges must be accompanied by adequate calculations and the report should show how the stream has been crossed hitherto, why it is proposed to bridge it, the kind and volume of traffic expected, whether the stream has ever been bridged before, if so, a description of which should be given and if it failed the reasons, the kind of bridge now proposed, the reasons for the amount of waterway allowed, the height of roadway allowed for boats if any, the nature and size of snags, if any, the drainage of the stream whether flat or hilly, the velocity of current in rainy and dry weather, liability to sudden floods, whether the stream is use for floating out timber and if so, how is the nature of bed and banks, whether the banks are liable to erosion, whether the stream is navigated and if so by what types of vessels, the higher flood level, maximum and normal, and the nature of materials available within a reasonable distance.

(iv) Whenever it is proposed to construct or modify a bridge, culvert, dam, diversion or other works, which might affect any railway line in the vicinity, the Railway, Administration should be

consulted in regard to the adequacy of the waterways etc. provided in the proposals. Where there is disagreement, the matter should be referred to the Superintending Engineer concerned.

(v) In addition to the actual bridge plans, the following plans should accompany as estimate for a new bridge:

A plan of the stream for 1-5 kms. above and below the proposed crossing with connected cross section at ever half of a kilometre (or oftener if necessary), a cross section of the stream at the proposed bridge site showing the general level of the country on either bank as well as that of road approaches, the various water levels, depth at which good foundation is available and its nature.

(vi) The code of practice prescribed by the Indian Road Congress should be followed in general.

D. EMBANKMENTS

3.4.18. In the case of new lines of river embankments it is necessary that the report should show clearly the financial responsibilities of Govt. in connection therewith and the manner in which it is proposed that the outlay shall be recovered.

E. IRRIGATION WORKS (1) CANAL PROJECTS

3.4.19. (1) Every project for an irrigation work should contain a full report as to the rainfall and depth of spring level in the tract affected, the sources of existing irrigation, and the means of drainage proposed, if such are necessary. The opinion of local revenue officers should also be taken as to the desirability and, necessity of the project work, area proposed to be irrigated, cropping pattern, the fairness of the water rates proposed, and, the probability of the anticipated financial results being realised.

(2)(a) A general description of the proposed works should follow including the sources from which the supply of water is to be drawn, the quantity of water available at different periods of the year and the quantity it is proposed to utilise, also the character of the sediment, brought down whether likely to fertilize or the reverse, the area land commanded, the average area usually cultivated and the area probably irrigable, the lengths of main canals and distributaries, and in if navigation be also contemplated, the length of the navigable portion.

(b) The quantity of water allotted to each main canal and the area irrigable there from in a tabular form, the dimensions of the channels and the works on each being furnished.

(c) The reasons for the adoption of the particular scheme recommended in preference to any other and a full account of the basis on which the alignments of channels and other portions of the designs have been projected with a careful analysis of any engineering questions involved.

(d) The question of labour and the sources whence it is obtainable, and the probable effects of the operations on the existing rates.

(e) The localities whence materials are obtainable and the facilities for manufacture with the probable rates; the results of any experiment on the quality of lime, the character of brick clay, etc.

(f) The method proposed for carrying out the work and the establishment probably required.

(g) The executive divisions into which it is proposed that the work should be divided and the time which will probably be occupied in construction.

(h) In the case of projects for which Capital and Revenue Accounts will be kept the returns excepted expected from the works and the basis on which they are calculated.

(3) The complete estimate for a project should include indirect as well as direct charges. The main headings are as follows:

Direct Charges-

- (i) Works
- (ii) Establishment including leave pensionary charges.
- (iii) Tools and plant.

Indirect Charges-

- (i) Capitalization of abatement of land revenue on area occupied by works.
- (ii) Audit and accounts charges at the rate of 1%.

The items included under the head 'works' should be, classified under the prescribed main and sub-heads of account.

The provision for establishment and tools and plant should be made at such percentage as the State Government may fix from time to time.

II. STORAGE PROJECTS

3.4.20. The report should, in addition to the information specified for canal projects, give the area of the tank and contents when full, the area of land commanded and irrigable, the length of the dam, its maximum height, materials of which it is proposed to construct it form etc., length of surplus weir or weirs, and the mode in which the water is to be let off for irrigation. The questions of the available water supply, number of times the reservoir will probably fill during the year, rainfall and proportion flowing off the catchment character of soil and general slopes of the country, loss by evaporation and absorption, quality of the water etc. should be fully dealt, with, as well as the quantity of flood water for which provision must be made, and the waterway of the escape weirs or sluices. The results of any experiment bearing upon the strength, of the materials proposed for use in the dam should be dealt with, as also the silt content of the water and the probable effective life of the reservoir.

F. Town Water Supply Projects

3.4.21 (a) For town water supply projects the nature and quantity of the existing water supply should be given and the reasons necessitating an improved supply; the possible sources of additional supply and the reasons for preferring the scheme submitted; the area and number of people, horses, cattle etc. to be supplied as well as the estimated daily allowance in liters for each individual and for head of cattle; the quality of water; whether requiring filtration or not and whether religious objections are likely to be raised to the use of the water.

(b) The report should be accompanied by an index map showing the lines of main and distributary piping and plans of all works, including filters, service reservoirs, settling tanks etc. If pumping is contemplated the annual cost of working the pumps should be estimated. The mode of calculating dimensions of pipe etc. and the formulae used should form one of the appendices.

(c) The manual of practices on water supply service issued by the concerned Ministries should be adopted with reference to the norms prescribed by the Indian Standard Institution from time to time.

III. 'REPAIRS' OR 'MAINTENANCE' AND OPERATION

(A) General

3.4.22. Repairs may be divided into two classes, 'ordinary' and 'special'.

(a) Ordinary repairs include –

(i) those which, as a matter of regulation are carried out periodically and are usually of the same quantity from time to time such as the painting or white washing of a building or a new coating of metal on a road, etc.

(ii) those which are not done as a matter of regulation periodically, but which it is convenient to carry out, so far as may be necessary, at the time of periodical repairs; and

(iii) Such occasional or petty repairs as may become necessary from time to time and which may have to be carried out between the times of periodical repairs.

(b) Special repairs are repairs which are not periodical or frequent, e.g., re-roofing a building, replacing of beams, renewal of flooring etc. In respect of irrigation works, special repairs include all operations required to maintain the work in a better condition i.e., to an improved standard, by using material of a more permanent or lasting nature without increasing the efficiency or scope of the system, e.g., plastering in place of painting, rough stone masonry in place of dry stone packing, revetment to tank bunds at sites of breaches and to margins of rivers at places; where they are eroded, grouting newly the surface of the aprons and revetments, lengthening of aprons and revetments to protect erosion noticed in beds and margins of rivers, canals and channels.

(c) Operation is required only in certain types of works, viz., Irrigation works, Public Health engineering works. Lift Irrigation works, power houses, etc. and the same are required to be carried out as per the standard instructions laid down from time to time.

Notes: (I) The Superintending Engineer should indicate which of the repairs and maintenance work should be done annually and which of them at longer intervals.

(II) The Superintending Engineer should issue necessary instructions for proper maintenance and operations of different types of works in his circle. In case similar types of work exist in different circle, the Chief Engineer should lay down instructions to bring uniformity in the maintenance and operation of various types of public works.

3.4.23. Except in the cases contemplated in paragraph 3-4-37 provision for repairs and operation made under sub-para. (a) (i) (ii) and (c) of Para 3-4-22 above should be made in annual estimates and for the repairs under sub-para (a) (iii) of Para 3-4-22 in separate requisitions as the occasion may require.

3.4.24. A separate estimate should be prepared for the maintenance of each work or of each class building in each subdivision or of a portion of work or group of works as detailed in the budget. Attention to this point is necessary, for in the principal accounts the total outlay against each estimate alone being posted, it is only by recording the outlay year after year on the maintenance of each particular set of buildings or works that useful comparison can be made.

3.4.25. The State Government will fix the month which is to be considered as the last month of the working year for the purpose of annual maintenance and operation estimate. Each ordinary repair estimate should include the whole expenditure which is anticipated to be incurred during the working year on the maintenance of the work concerned.

Note: Financial year, i.e. from April to March will be the repair year.

3.4.26. As soon as the allocation of repair grant is received, the Superintending Engineer should distribute it to the various Divisions in his circle separately under (i) repairs or maintenance, (ii) special repairs, (iii) operation, and (iv) emergent protection works (in case of flood embankments). The Divisional Officer should attach a provision slip in the prescribed form to each estimate sanctioned by him or submitted by him to next higher authority indicating the up-to-date amount of estimates sanctioned under each category against the allotment. allotment the estimate sanctioned. To cover the estimate sanctioned by the by the sub-divisional officers, allotment may be placed at their disposal basing, on the nature of estimates sanctioned by them in the preceding three years.

Similarly, in respect of allotment for tools and plant, the Superintending Engineer should distribute the allotment to each Divisional Officer under his circle separately for 'new supply' and repairs and carriages. Provision slips should also be attached by the Divisional Officer to tools and plant estimates.

In no case the amount of estimates sanctioned at various levels shall exceed the amount of allotment placed at the disposal of a Divisional Officer.

3.4.27. Repairs estimates should, like those for original works, provide for the removal of all rubbish which may have accumulated, filling in unsightly pits round the buildings, all works establishment employed specially, on the work and under separate sub-heads, all watchmen sanctioned by competent authority for the care of vacant buildings, guarding works, working sluices etc.

3.4.28. The sanction to an ordinary repair estimate lapses on the last day of the year fixed by the State Govt. under paragraph 3.4.25. If however, inconvenience would arise in any exceptional case from the stoppage of the work on the fixed date, the repairs may be carried out to completion the expenditure after that date being treated as expenditure against a fresh repairs estimate for the next working year.

3.4.29. Estimates for special repairs remain current till the completion of the repairs in the same manner as estimates for original works.

3.4.30. Except in case of buildings no scale has been prescribed for annual expenditure on maintenance of roads, flood embankments, dams, main canal and branches, distributaries and minors, pumping station, public health engineering work, lift irrigation works and electricity works etc. As the scale of annual expenditure in respect of the above public works will vary from work to work, the State Govt. will fix the limit for each type of public work in consultation with the concerned Chief Engineer.

3.4.31. In case of urgency, the Superintending Engineer may authorise the commencement of periodical repairs in anticipation of the formal sanction to the estimate but in such cases an approximate sum must be fixed to the expenditure of which sanction is provisionally given and the Divisional Officer will be responsible that the regular estimate is submitted at the earliest possible date.

In this connection see also paragraph 3.7.1 for commencement of work.

3.4.32. In the case of all descriptions of work, for the renewal of which any specific period of time has been fixed, the estimate for its repairs should show the date when such item of work was last executed.

(B) SPECIAL RULES

(i) BUILDINGS

3.4.33. To facilitate the preparation of estimates for periodical, repairs, a standard measurement book should be kept in the office of each Divisional Officer, showing the detailed measurements of each kind of work which is usually subject to renewal in each work under his charge.

3.4.34. Except in the case of lump sum estimates for ordinary annual repairs, dealt with under paragraph 3.4.37, the annual expenditure on ordinary repairs to Government buildings (both residential and non-residential), exclusive of Municipal taxes, should be limited to a minimum maximum of 1.5 % percent of the capital cost; when this limit has to be exceeded in any exceptional case, of the sanction of the Superintending Engineer should be obtained. Such sanction should not be accorded except for reasons to be specially recorded. As regards special repairs as referred to in paragraphs 3.4.22 (b) and 3.4.23 on limit has been fixed with reference to the capital cost of any building, as such repairs are not annual or strictly periodical. Such estimates should be carefully scrutinised and sanctioned by the competent authority as occasions arise.

Note: The limit of 1.5 % on the capital cost laid down in the above paragraph for annual repairs to Government buildings is relaxed in the case of thatched buildings provided, the annual expenditure on repair to each of the buildings does not exceed the average for the past five years.

3.4.35. In the cases of buildings maintained by the Department in charge of public works in special cases occasional repairs not provided for in the annual repairs estimate, may be executed on requisition.

3.4.36. Where municipal or other taxes on public building are payable by Government, provision for such taxes should be made in the annual repair estimate.

3.4.37. In the case of any building the cost of the ordinary annual repairs (excluding municipal taxes) which is less than Rs. 2,500 the Superintending Engineer may prescribe subject, to revision from time to time a lumpsum limited to Rs. 2,500 (plus the amount of the municipal taxes if any payable by Government under paragraph 4.1.24 of this Code) for any building to cover the cost of maintenance and within this amount expenditure will be permissible without any detailed estimate being prepared. Such lump sum should be fixed after consideration of the cost of maintenance in the past and in the case of residential building, should further be limited to the amount included for this purpose in the rent assessment. If in any working year the estimated cost of maintenance is more than the permissible limit given above or if the lump sum sanctioned by the Superintending Engineer is exceeded, a detailed estimate must be prepared in accordance with the ordinary rules and be sanctioned by competent authority. On sanction being accorded to such an estimate the sanction of the Superintending Engineer to the lumpsum provision will automatically be superseded for the working year in question.

Note: The sanction accorded to the lumpsum provision referred to in this paragraph shall be held to be a sanction to an estimate for the same amount for all purposes of this Code.

(II) Roads

3.4.38. Unless metal is to be obtained by purchase or contract and delivered on the road, the estimate should show the proposed cost, divided under 'cost of collection' and 'carriage'; if the metal is to be manufactured, the probable outlay on each sub-head of the operation should be shown distinct from carriage.

3.5. CONTRACT

I. GENERAL

3.5.1. The recognised system of carrying out work otherwise than by the employment of daily or periodical labour or Departmental machinery is by entering into contracts.

Before entering into contracts, it must be ensured that the prerequisites required under para 3-7-1 *ibid* have been fulfilled or orders of the competent authority dispensing with the provision have been obtained. The contract should be executed either on the basis of tender or on award of work without calling for tender. In either case orders of the competent authority must be obtained before entering into any contract.

Notes: (1) The term 'contract' as used in this Code does not include mere purchase of materials or stores by purchase order but covers the supply of any material or article which usually involves manufacture processing or excavation before it is ready for delivery, such as bricks, chips, metal etc., which may be procured by entering into contract in the standard form applicable for procurement of such materials.

(2) Where materials or stores are not purchased on contract, they shall will be governed by the financial rules in force. (See Appendix VI).

3.5.2. The public works officers empowered to sign contracts on behalf of Governor of Odisha will ordinarily sign, the contract in one of the standard forms indicated in para 3.5.5. In cases where the execution of a certain work demands a separate form of contract the same can be adopted with specific approval of Government in each case. (See para 6.3.15, also).

3.5.3. Contracts may be of two kinds, viz. lump sum and item rate.

(a) In a lump sum contract the contractor agrees to execute the work, with all its contingencies for a fixed sum.

(b) Item rate contracts are those in which the contractor under takes to execute the work at fixed rates the sum he is to receive depends on the quantities and kind of work done or materials supplied.

3.5.4. The following principles should be followed by officers in charge of Public works in entering into contracts:

(i) The terms of a contract must be precise and definite and there must be no room for ambiguity or misconstrued therein.

(ii) The terms of a contract once entered into should not be materially varied without the previous consent of the Government.

(iii) No contract involving an uncertain or indefinite liability or any condition of an unusual character should be entered into without the previous consent of the Finance Department.

(iv) No contract may be entered into by Government servants who have not been empowered to do so. Contracts regarding which there are no definite rules or orders of Government as to conditions, forms etc. should be entered into only after obtaining the sanction of Government who will take necessary legal and financial advice in each case.

(v) Even in cases where a formal written contract is not made, no order for supplies etc. should be placed without at least a written agreement as to the price.

(vi) Provision must be made in contracts for safeguarding Government property entrusted to a contractor.

(vii) Provision should be made in every contract to enable Government to revoke it with due notice.

(viii) A clause to the effect that the contractor shall be responsible for compensation to any of his workmen under the Workmen's Compensation Act should invariably be inserted in the agreement.

3.5.5. The following forms shall be used for agreements with the contractors for the purpose noted against each.

(I) Item Rate Contract: For item rate tenders contractors are required to quote rates for Individual items of work on the basis of schedule of quantities. This form ensures a more detailed analysis of costs by the contractor and as such is more scientific. Officers in charge of public works have to work out the schedule of quantities against each item of work and the contractors have to work out the rates against each item. The forms adopted for item rate contracts are indicated below:

(a) Form No.: In this form of contract, time is of the essence. The contractor is required to maintain a certain rate of progress. Failure in maintaining the progress will make him liable to pay compensation. The items of works and the quantity can be increased, reduce or replaced. The period of completion can correspondingly be altered. The form can be adopted for any work without any restriction.

(b) Form No. - This form is used for works upto a limit of Rs.50,000. The currency of the contract will automatically cease after a period of six months. The individual items and quantities in the contract can be altered so long as the total value of the contract does not exceed the contracted amount. The contract can be terminated when the progress of work is not satisfactory.

(c) Form No. - (Work order). This form may normally be used for small works costing Rs. 10,000 and below to be executed without calling for tenders. The description of items should be strictly according to the schedule of rates and the rates for various items of work should not exceed the rate entered in the schedule of rates. It is not much different from Form No.- indicated against (1) (b), but any work awarded in this form may be stopped by the engineer-in-charge or the contractor at any time without being required to pay any compensation.

(II) Form No. - (Contract for supply of materials): This form should normally be used where the purchase of materials for which specifications and rates have been stipulated by the Department, is involved. According to the form the contractors are required to quote rates for supply of the required quantity of materials such as bricks, chips and metal etc.

(III) Form No.-(Lump sum Contract)

In the lump sum contract, the contractor agrees to execute and complete work with all its contingencies in accordance with the drawings, designs and specification for a fixed sum, the following being its essential characteristics: -

- (a) A schedule of rates is specified in order to regulate the amount to be added or deducted from the fixed sum on account of additions and alterations to drawings, designs and specification not covered by the contract.
- (b) Except as provided in clause (a) no allusion is made in the contract to the departmental estimate of the work, schedule of rates or quantities of work to be done.
- (c) Detailed measurements of the work done are not required to be recorded except in respect of additions and alterations.
- (d) The deductions to which Government is entitled to as per contract are clearly recorded and attended to while issuing final certificates and they should record in writing the

method adopted and also refer to the documents on the basis of which a certificate is given.

- (e) There is no restriction in the value of the contract. Specific permission from the authority competent to accept the tender is necessary before this form is adopted. Detailed drawings, designs and specifications which form the basis of the lumpsum contract should be approved by the competent authority before tenders are called for.

(IV) Form No. - (Contract for carriage of materials). This form is used for carriage of materials on long term basis and not meant for isolated conveyance of materials.

(V) Percentage Rate Contract

Percentage contract will be in addition to item rate, lump sum contracts etc. In such contracts the schedule of quantities shall mention estimated rate of each item and amount thereto. The Contractor has to mention percentage excess or less over the estimated cost (in figures, as well as words) in the prescribed format appended to the tender document. The contractors participated in the tender for more than one work will offer conditional rebate. Rebate offer submitted in separate sealed envelope shall be opened, declared and recorded first. The rebate offered shall be considered after opening of all packages called in the tender notice. The contractors who wish to tender for two or more work shall submit separate tender for each. Each tender shall have the same number of the works to which they refer, written on the envelope.

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 period of completion is fixed and cannot be altered except in case of exceptional circumstances with due approval of next higher authority.

In case of percentage rate tenders, only percentage quoted shall be considered. Percentage quoted by the Contractor shall be accurately filled in figures and words, so that there is no discrepancy. If any discrepancy is found in the percentage quotes in words and figures, then the percentage quoted by the Contractor in words shall be taken as correct. If any discrepancy is found in the percentage quoted in percentage excess/less and total rate quoted by the Contractor than percentage will be taken as correct. The percentage quoted in the tender without mentioning excess or less and not supported with the corresponding amount will be treated as excess. The Contractor will write percentage excess or less up to one decimal point only. If he writes the percentage excess or less up to two or more decimal point, the first decimal point shall only be considered without rounding off where the contractor has omitted to quote the rates either in figure and words, the Officer opening the tender should record the omission.

Bills for percentage rate tenders shall be prepared at the estimated rates for individual items only and the percentage excess or less shall be added or sub-traded from the gross amount of the bill.

*This may not be applicable to the works funded by world Bank and other external agencies, in which case their guidelines shall be followed.

(Added vide Works Deptt. L. No. 8316/WE , Dt. 17.05.2005)

AMENDMENT- 2004 & 2006

Note I – Provision of incentive will be made in the Agreement. This incentive will be @ 1% in case of completion of work ahead of the month (part of the month shall be excluded) and the maximum amount payable will be fixed at 2% if the work is completed two months ahead of the Schedule time.

Incentive should be paid in respect of individual project for new construction/substantial additional or improvement works, the minimum value of which is mentioned below.

Name of the work	Minimum Value
1. Building work/P.H. work	Rs. 40.00 lakhs
2. Road work/bridge work	Rs. 3.00 crores
3. Irrigation work	Rs. 10.00 crores

Incentive will be paid with approval of next higher authority of tender accepting authority on completion of original work before original time schedule. (Incentive need not be included in the estimate. Specific budget provision may be made under State-Plan out of which the incentive shall be met.)

(Added Vide WD L. No. 5031 Dt. 07.02.2004, Added Vide WD L. No. 8316/WE Dt. 17.05.2006)

OPWD AMENDMENT- 2016

Note II: When the bid amount is up to 10% less than the estimated cost, no additional performance security is required to be deposited. when the bid amount is less than the estimated cost by more than 10% and within 15%, in such an event, the successful bidder will deposit the additional performance security to the extent of 1.5 times of the differential cost of the bid amount and 90% of the estimated cost.

(Vide O.M. 5288/W, Dt. 04.05.2016)

AMENDMENT-2017

“Additional Performance Security shall be obtained from the bidder when the bid amount is less than estimated cost put to tender. In such an event, only the successful bidder who has quoted less bid price / rates than the estimated cost put to tender shall have to furnish the exact amount of differential cost i.e. estimated cost put to tender minus the quoted amount as Additional Performance Security (APS) in shape of Demand Draft / Term Deposit Receipt pledged in favour of the Divisional Officer within Seven days, otherwise the bid shall be cancelled and the security deposit shall be forfeited. Further, proceeding for blacklisting shall be initiated against bidder.”

- 1) This amendment shall take effect from 24th July, 2017.
- 2) The Works Department Office Memorandum No.- 5288 / W, Dt.- 04.05.2016. (Annexure- I-A) stands modified accordingly pursuant to the judgement dated 27.07.2017 of the Hon'ble of High Court of Odisha.
- 3) This has been concurred in by the Law Department and Finance Department vide their UOR No.- 1668 / L , Dt.- 19.08.2017 and UOR No.- 56-WF-I, Dt.- 24.08.2017 respectively.

(No.- 14299 / W Dt. 03.10.2017)

Note-III:- For availing incentive clause in any project which is completed before the stipulated date of completion, subject to other stipulations it is mandatory on the part of the concerned Executive Engineer to report the actual date of completion of the project as soon as possible through fax or e-mail so that the report is received within 7 days of such completion by the concerned SE, CE & the Administrative Department. The incentive for timely completion should be on a graduated scale of one percent to 10 percent of the contract value. Assessment of incentives may be worked out for earlier completion of work in all respect in the following scale:

Before 30% of contract period =10% of Contract Value

Before 20 to 30% of contract period=7.5% of Contract Value

Before 10 to 20% of contract period=5% of Contract Value

Before 5 to 10% of contract period=2.5% of Contract Value

Before 5% of contract period=1% of Contract Value

(Vide O.M. No.- 5288/W, Dt. 04.05.2016)

(VI) Turnkey Contract

- i. Building Projects costing more than Rs. 25.00 crore is eligible for execution on Turnkey basis
- ii. A Technical Committee under the Chairmanship of EIC (Civil), Odisha/CE (Building) is to be formed to consider all such proposals before recommendation of turnkey projects for Government approval.

II. TENDER DOCUMENTS

3.5.6. Before a work is given out on contract, the Divisional Officer must prepare 'tender documents' to include:

- (i) The notice inviting tender.
- (ii) The form of tender to be used along with a set of conditions to be compiled which by the persons whose tender may be accepted.
- (iii) A complete set of drawings showing the general dimensions of the proposed work, and so far as necessary, details of the various parts.
- (iv) A complete specifications of work to be done and of the materials to be used, unless reference can be made to some standard specifications.
- (v) A schedule of quantifies of the various description of work.

Notes: (I) The case of contracts in special forms applicable to electrical or any other work the above documents will be prepared by the Chief Engineer or an officer authorised by him.

(II) The contract documents would require the approval of an authority not lower than that empowered to accept the tender.

(III) No tender notice is to be issued unless all tender documents are ready.

3.5.7. If the amount of the tender is likely to be beyond the Divisional Officer's power of acceptance, he should, before publicly inviting tenders, submit the tender documents to the Superintending Engineer for his approval together with a copy of the draft advertisement inviting tenders and the form in which tenders are to be submitted. If the amount of tender is likely to exceed the Superintending Engineer's power of acceptance, that officer should in a like manner, submit the tender documents to the Chief Engineer for approval.

If the tender includes any special condition(s) which is not within the Chief Engineer's power of acceptance, the/previous approval of Government in the Administrative Department must be obtained to the acceptance of such special condition(s).

3.5.8. Wherever it is not possible to execute contract deeds on one or other of the approved forms, the Law Department should be specifically consulted through the Administrative Department. Similarly, Law Department should be consulted or addition, deletion or modification in the standard forms of contract.

Note: See para 3.5.4 regarding principles to be observed before entering into contract.

III. TENDERS

3.5.9 [Subject to the provision contained in Appendix-XXXIII to the OPWD Code Vol. II] Tenders should invariably be invited publicly in the manner prescribed in Appendix IX to the Code and in paragraph 3-5-10 below for all works given out on, contracts and estimated to cost above Rs 5 lakh except in cases where additional works or items of work have to be undertaken as part of a scheme work for which tenders have originally been invited publicly and which are required to be executed while the work originally undertaken is in progress or for other exceptional reasons.

(Substituted vide file no.- 10147/W, Dt.- 31.08.2015)

Notes:

(I) Contract for works estimated to cost upto Rs. 5 lakh may be given out with or without invitation of open tenders at the discretion of the Divisional Officers to the best advantage of Government. All other provisions remain unaltered.

(Substituted vide file no.- 10147/W, Dt.- 31.08.2015)

(II) The advertisement charges relating exclusively to a particular work may be debited to the head 'works contingencies' of the concerned work; when such charges are common to several works the same may, be debited to 'office expenses'.

(III) If a work is to be split up for facility of execution, the approval of the authority competent to accept the tender for the work as a whole should be obtained before inviting tenders for the work. (See Para 3-5-24).

(IV) Unless otherwise authorised by competent authority no tender shall be invited and accepted for a work to which administrative approval and technical sanction has not been accorded. (See exception to para 3-7-1).

(V) For award of work costing more than Rs. 10,000 without calling for tender see Appendix VII.

(VI) Tenders for 25% of all original works of Civil P.H. and Electrical falling under 'C' class and below, i.e. works costing Rs. 4 Lakhs and less in a year may be invited only from Engineer contractors.

(Added by WD No.- 23647/W, Dt.- 05.11.1990)

(VII) Financial Limit for resorting technical qualifications: (a) Prequalification of tender has to be resorted to when cost of the works (excluding centages) is more than Rs. 2,000 lakhs (two thousand lakhs) as per the guidelines prescribed by the concerned Engineering Department. (b) Tender for the works costing above Rs. 50.00 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.

3.5.10. Tenders, which should always be sealed, should invariably be invited in the most open and public manner possible, whether by advertisement in the Odisha Gazette or local newspapers or by notice in English and in vernacular posted in Public places and tender should have free access to, the tender documents.

The notice should in all cases state:

First - The place where and the time when the tender documents can be seen and the blank forms of tenders obtained; also the amount, if any, to be paid for such forms of tender.

Second - The place where, the date on which and the time up to which tenders are to be submitted and are to be opened.

Third - The amount of earnest money to accompany the tender and the amount and nature of the security deposit, required in the case of the accepted tender.

Fourth - The authority with whom the acceptance of the tender will rest. Authority should always be reserved to reject and or all of the tenders so received without assignment of any reason and this should be expressly stated in the advertisement. (See paragraph 3-5-18).

3.5.11. (a) At the time and place indicated in the notice calling for tenders in the presence of such intending contractors or their authorised agents as they may choose to attend, all tenders received for the same work should be opened personally by the Divisional Officer or other competent officer who has called for the tender or authorised to receive the tenders according to the tender notice. The officer opening the tenders should record than total number of tenders received and opened by him in the prescribed form.

[While opening of tenders at the Divisional level, the concerned Executive Engineer, Divisional Accounts Officer/ Divisional Accountant and the concerned Estimator are to be present.]

(Inserted by F.D.U.O.R. No.- 664 WF -I, Dt.- 07.12.1995)

(b) (i) The officer opening, tenders should invariably date and initial not only the corrections in the schedule quantities. Schedule of materials to be issued, specifications and other essential parts of contract documents but should also date and initial all the pages of the schedule of quantities irrespective of whether they contain or do not, contain any correction, overwriting, etc. and all other pages containing additions by the contractor to the original tender papers.

[The Executive Engineer/Divisional Accounts Officer/Divisional Accountant and the concerned Estimator should initial in each page of the tender papers as token of their presence.]

(Inserted by F.D.U.O.R. No.- 664 WF -I, Dt.- 07.12.1995)

(ii) The officer concerned should mark all corrections and overwriting, and number them in red ink, the number of such corrections and over writings must be clearly mentioned at the end of each page of the schedule attached to the tender paper and properly attested with date. The correction and overwriting should be allotted separate numbers i.e., correction should start from 1, 2, 3, etc., and overwriting should similarly start separately from 12,3, etc. Ambiguities in rates quoted by tenders in words or figures must be clearly indicated on each page of the schedule attached to the tender to which it concerned.

(iii) Where the contractors have omitted to quote the rates either in figure or in words, the omission should be recorded by the officer opening the tender on each page of the schedule. In the case of any discrepancy between the rates in figures and words, the rates quoted in words may be taken as correct.

3.5.12. Where according to the notice calling for tenders, tenderers are required to deposit earnest money specified therein in cash/DD cash, the amount should be remitted to the Govt. Treasury with a challan in triplicate, one copy, of which should be submitted with the tender, otherwise, the tender is liable to be rejected.

3.5.13. The amount of earnest money to be deposited should be according to the prescribed rules in force.

3.5.14. Normally in selecting the tenders other conditions being equal, the lowest valid tender should be accepted. The financial status of the tenders, their capability, their classification, the security offered by them, their previous records of execution, of works in the State and their dealings with the Department should be taken into consideration while accepting a tender. While this procedure should as a rule be observed in the case of public works, the acceptance of the lowest tender on a price basis alone in the case of tenders for electrical and mechanical stores and equipment may not always be safe. If the best value is to be obtained then the lowest valid tender should be accepted provided that all other things are equal. Due regard must therefore be given to the following criteria in addition to the tendered price efficiency, running cost, durability of materials, reliability of guarantees, necessity for repairs and attention, saving in spare parts due to standardization, suitability for the purposes in view and technical qualifications and financial standing of the contractor. (See Note (II) below Para 3-5-18).

Note: If L1 bidder does not turn up for agreement after finalization of the tender, then he shall be debarred from participation in bidding for three years and action will be taken to blacklist the contractor. In that case, the L2 bidder, if fulfils, other required criteria would be called for drawing agreement for execution of work subject to the condition that L2 bidder negotiates at par with the rate quoted by the L1 bidder otherwise the tender will be cancelled. In case a contractor is black listed, it will be widely publicised and intimated to all Departments of Government and also to GOI agencies working in the state.

(Vide OM No.- 12366/W, Dt.- 08.11.2013)

3.5.15. Reasons should also be recorded for declaring any tender received as invalid.

3.5.16. In cases where a tender other than the lowest valid tender is proposed to be accepted, action should be taken as follows:

(i) If the tender proposed to be accepted is not more than 10 percent in excess of the lowest valid tender a report giving full reasons for rejection of each of the lower tenders should be made confidentially to the next higher authority and unless contrary instructions are received within three weeks from the date of report, the selected tender may be accepted.

(ii) If the Officer is in doubt of his own judgment about the suitability of the lowest valid tender in case falling under (i) and in all cases in which the selected tender is in excess of 10 percent of the lowest valid tender, the confidential report giving reasons for proposing rejection of the lower tenders should be made along with all tenders received, valid or invalid to the following authorities for approval.

Approving authority if the selected tender exceeds lowest by :

Officer empowered to accept the tender	More than 10 percent but not more than 15 and also in cases of doubt within excess of 10 percent.	More than 15 percent
SDO	DO	SE (through DO)
DO	SE	CE (through SE)
SE	CE	Administrative Engineer Department.

(iii) In cases in which the Chief Engineer is the authority to accept the tender, the acceptance of a tender other than the lowest valid one will in all cases have to be reported to the Administrative Department for information in cases falling under (i) above and approval in other cases.

3.5.17. All reports on the subject will be treated as confidential and the entire correspondence relating to each case of rejection of lowest tender should be preserved in the office of the authority accepting the tender and should be shown to the inspecting officer of the Audit Department, if required. The Audit Department is not precluded from making its comments.

3.5.18. Tenderers should be given distinctly to understand that the acceptance of their tenders is entirely at the discretion of the officer to whom the duty is entrusted and no tenderer can demand the cause of rejection of his offer.

Notes: (i) In applying the above rules, the limitation of powers of various public works officers in the matter of acceptance of tenders as per the delegation of powers should be borne in mind.

(ii) The authority empowered to accept a tender under, paragraph 3-5-16 above should take into consideration the following points in addition to those mentioned in paragraph 3-5-14. While determining the validity of tenders and his decision in the matter will be considered as final.

- (a) Special conditions which are not in the tender notice and which are unacceptable.
- (b) Indefinite conditions which will make it difficult to assess the financial implications.
- (c) Tenders being incomplete some important respect.
- (d) Failure to specify the time within which the work can be completed.

(e) Failure to deposit the specified amount of earnest money.

(f) Unduly low and unworkable tendered rates.

(g) Irrational rate in different items of a tender.

As regards items (a) and (b) above, if the lowest tenderer is agreeable to delete any objectionable conditions from his tender, he may be permitted to do so and his tender will then be considered for acceptance.

If the lowest valid tender is in excess of the amount as indicated in Note (II) to para 6-3-15 which can be accepted, the tenderer may be called and asked if he is willing to reduce some of his rates so as to bring the total amount of the tender within the prescribed amount. If he is unwilling to do this, the next higher valid tenderer may be called and so on.

(iii) The single tender received in the first call shall be cancelled without opening of the bid. The acceptance of a single tender received, even after retendering should have prior approval of the next higher authority.

(File No.- 07556900052104-16/W, Dtd.- 01.01.2015)

(iv) The currency period of any tender should not be more than 3 months from the last date prescribed for receipt of the tenders. If delay in deciding the tender is inevitable, the consent of the tenderer to keep the offer open for a further period absolutely required should be obtained.

(v) After acceptance of the tender, all the tenders including the rejected ones, along with the comparative statement should be sent to the Divisional Office for completion of contract agreement within 15 days from the date of receipt of these papers in the Divisional Office.

(vi) The original accepted tender and contract executed should remain in the custody of the Divisional Officer and certified copy thereof should be given to all concerned for reference.

(vii) The order to commence work should be given within 15 days from the date of receipt of tender duly accepted in the Divisional Office, provided the contract agreement, complete in all respects, has been duly executed.

(viii) Before acceptance of tender, the successful bidder will be required to submit a work programme and milestone basing on the financial achievement so as to complete the work within the stipulated time and in case of failure on the part of the agency to achieve the milestone liquidated damage will be imposed.

(Vide OM No.- 12366/W, Dt.- 08.11.2013)

OPWD AMMENDMENT 2005 (GOVERNMENT INSTRUCTION)

1. PROCEDURAL AMENDMENTS IN THE PROCESSING OF TENDER NOTIFICATION OF AWARD & SIGNING OF AGREEMENT

After careful consideration, Government has been pleased to issue the following procedural amendments in the processing of tenders in addition to the Government order issued vide Works Department No. 22348, dated 19.11.2005.

1.1. The bidder /tenderer whose bid has been accepted will be notified of the award by the Engineer-in-charge prior to expiration of the validity period by cable, telex or facsimile confirmed by registered letter. This letter (hereinafter and in the Conditions of Contract called the "Letter of, Acceptance") will state the sum that the Engineer-in-charge will pay the Contractor in consideration of the execution, completion and maintenance of the Works by the contractor as prescribed by the contract (Hereinafter and in the contract called the "Contract Price").

1.2. The notification of award will constitute the formation of the contract, subject only to the furnishing of a performance security (ISD) and additional performance security. In accordance with the provisions of the agreement.

1.3. The agreement will incorporate all agreements between the officer inviting the bid/Engineer-in-charge and the successful bidder. Within 15 days following the notification of award along with the Letter of Acceptance, the successful bidder will sign the agreement and deliver it to the Engineer-in-charge. Following documents shall form part of agreement.

(a) The notice inviting bid, all the documents including additional conditions, specifications and drawings, if any, forming the bid as issued at the time of invitation of bid and acceptance thereof together with any correspondence leading thereto and required amount of performance security including additional performance security,

(b) Standard P.W.D. Form F2.

2. TIME CONTROL

2.1. PROGRESS OF WORK AND RE-SCHEDULING PROGRAMME.

2.1.1. The Executive Engineer/Engineer in charge shall issue the letter of acceptance to the successful contractor. The issue of the letter of acceptance shall be treated as closure of the Bid process and Commencement of the contract.

2.1.2. Within 15 days of issue of the letter of acceptance, the Contractor shall submit to the Engineer-in-charge for approval a Programme commensurate to clause no. 3 showing the general methods, arrangements and timing for all the activities in the Works along monthly cash flow forecast.

2.1.3. To ensure good progress during the execution of the work the contractors shall be bound in all cases in which the time allowed for any work exceeds one month to complete, 1/4th of the whole of the work before 1/4th of the whole time allowed under the contract has elapsed, 1/2 of the whole of the work before 1/2 of the whole time allowed under the contract has elapsed, 3/4th of the whole of the work before 3/4th of the whole time allowed under the contract has elapsed.

2.1.4. It at any time it should appear to the Engineer-in-charge that the actual progress of the work does not conform to the programme to which consent has been given, the Contractor shall produce, at the request of the Engineer-in-charge, a revised programme showing the modifications to such programme necessary to ensure completion of the works within the time for completion. If the Contractor does not submit an updated Programme within this period, the Engineer-in charge may withhold the amount of 1% of the contract value from the next payment certificate and continue to withhold' this amount until the next payment after the date on which the overdue Programme has been submitted.

2.1.5. An update of the Programme shall be a programme showing the actual progress achieved on each activity and the effect of the progress achieved on the timing of the remaining work including any changes to the sequence of the activities.

2.1.6. The Engineer-in-charge's approval of the Programme shall not alter the Contractor's obligations. The Contractors may revise the Programme and submit it to the Engineer-in-charge again at any time. A revised Programme is to show the effect of Variations and Compensation Events.

2.1. EXTENSION OF THE COMPLETION DATE

2.2.1. The time allowed for execution of the works as specified in the Contract data shall be the essence of the Contract. The execution of the works shall commence from the 15th Day or such time period as mentioned in letter of Award after the date on which the Engineer-in-charge issues written orders to commence the work or from the date of handing over of the site whichever is later. If the Contractor commits default in commencing the execution of the work as aforesaid, Government shall without prejudice to any other right or remedy available in law, be at liberty to forfeit the earnest money and performance guarantee/Security deposit absolutely.

2.2.2. As soon as possible after the contract is concluded the Contractor shall submit a Time and Progress Chart for each milestone and get it approved by the Department. The chart shall be prepared in direct relation to the time stated in the Contract documents for completion of items of the works. It shall indicate the forecast of the dates of commencement and completion of various trades of sections of the work and may be amended as necessary by agreement between the Engineer-in-Charge and the Contractor within the limitations of time imposed in the contract documents, and further to ensure good progress during the execution of the work, the contractor shall in all cases in which the time allowed for any work, exceeds one month (save for special jobs for which a separate programme has been agreed upon) complete the work as per milestone given in contract data.

2.2.3. In case of delay occurred due to any of the reasons, mentioned below, the Contractor shall immediately give notice thereof in writing to the Engineer-in-charge but shall nevertheless use constantly his best endeavours to prevent or make good the delay and shall do all that may be reasonably required to the satisfaction of the Engineer-in-charge to proceed with the works.

- (i) Force majeure, or
- (ii) Abnormally bad weather, or
- (iii) Serious loss or damage by fire, or
- (iv) Civil commotion, local commotion of workmen, strike or lockout, affecting any of the trades employed on the work, or
- (v) Delay on the part of other contractors or tradesmen engaged by Engineer-in-charge in executing work not forming part of the Contract.
- (vi) In case a Variation is issued which makes it impossible for Completion to be achieved by the intended Completion Date without the Contractor taking steps to accelerate the remaining work and which would cause the Contractor to incur additional cost, or
- (vii) Any other cause, which in the absolute discretion of the authority mentioned, in Contract data is beyond the Contractor's control.

2.2.4. Request for re-schedule and extension of time, to be eligible for consideration, shall be made by the Contractor in writing within fourteen days of the happening of the event causing delay. The contractor may also, if practicable, indicate in such a request the period for which extension is desired.

2.2.5. In any such case a fair and reasonable extension of time for completion of work may be, given. Such extension shall be communicated to the Contractor by the Engineer-in-Charge in writing, within 3 months of the date of receipt of such request. Non-application by the contractor for extension of time shall not be a bar for giving a fair and reasonable extension by the Engineer-in-charge and this shall be binding on the contractor.

2.3. COMPENSATION FOR DELAY

2.3.1. If the contractor fails to maintain the required progress in terms of clause 2 or to complete the work and clear the site on or before the contract or extended date of completion, he shall,

without prejudice to any other right or remedy available under the law to the Government on account of such breach, pay as agreed compensation the amount calculated at the rates stipulated below as the Superintending Engineer (whose decision in writing shall be, final and binding) may decide on the amount of tendered value of the work for every completed day/month (as applicable) that the progress remains below that specified in Clause 2 or that the work remains incomplete.

This will also apply group of items for which a separate period of completion has been specified. Compensation @1.5% per month of for delay of work delay to be computed on per Day basis.

Provided always that the total amount of compensation for delay to be paid under this condition shall not exceed 10% of the Tendered Value of work or to the Tendered Value of the item or group of items of work for which a separate period of completion is originally given.

The amount of compensation may be adjusted or set-off against any sum payable to the Contractor under this or any other contract with the Government. In case, the contractor does not achieve a particular milestone mentioned in contract data, or the rescheduled milestone(s) in terms of Clause 2.5, the amount shown against that milestone shall be withheld, to be adjusted against the compensation levied at the final grant of extension of time. Withholding of this amount on failure to achieve a milestone, shall be automatic without any notice to the contractor. However, if the contractor catches up with the progress of work on the subsequent milestone(s), the withheld amount shall be released. In case the contractor fails to make up for the delay in subsequent milestone(s) amount mentioned against each milestone missed subsequently also shall be withheld. However, no interest whatsoever shall be payable on such withheld amount.

2.4. BONUS FOR EARLY COMPLETION

2.4.1. In case, the contractor completes the work ahead of scheduled completion time, a bonus @ 1 % (one percent) of the tendered value per month computed on per day basis, shall be payable to the contractor, subject to a maximum limit of 2% (two percent) of the tendered value. The amount of bonus, if payable, shall be paid along with final bill after completion of work.

2.5. MANAGEMENT MEETINGS

2.5.1. Either the Engineer or the Contractor may require the other to attend a management meeting. The business of a management shall be to review the plans for remaining work and to deal with matters raised in accordance with the early warning procedure.

2.5.2. The Engineer shall record the business of management meetings and is to provide copies of his record to those attending the meeting and to the employer. The responsibility of the parties for actions to be taken is to be decided by the Engineer either at the management meeting or after the management meeting and stated in writing to all who attended the meeting.

3. SEALING OF BIDS AND TENDER BOXES

3.1. In order to ensure that the envelopes are properly sealed, the contractors can seal them with superglue and also add tamper proof tapes as additional precaution.

3.2. On the date of closure of the tender the opening of boxes through which the tenders are inserted are to be sealed using tamper proof security sealing tapes. (The concerned Department shall procure standard sealing tapes with Govt. logo printed and supply to concerned offices).

3.3. The tender boxes should display unique identity of each box at the tender receipt locations and details of the tenders to be inserted in such box as well as the last date for the same so there is no accidental or Inadvertent mix up.

3.4. (i) This will be effective from the date of issue.

(ii) Relevant, existing codal provisions stand modified as per above instructions.

- (iii) The above guidelines are to be incorporated as addendum to the condition of contract and existing, relevant provisions in the original document shall stand modified accordingly.
- (iv) Steps will be taken for effecting necessary amendments at the time of rewriting the OPWD Codes.
- (v) Any deviation from this instruction would be viewed seriously and disciplinary action would be taken against the delinquent.

(Deptt. Memo No. 24716/W, Dt. 24.12.2005)

Sd/- A.B. MUNI

(E.I.C.-cum-Secretary to Government, Works Department)

IV. SECURITY FOR PERFORMANCE OF CONTRACTS

3.5.19. (a)(b) Security for the due fulfilment of a contract should invariably be taken. The security may be taken in shape of N.S.C./ Post Office Savings Bank Account/Post Office Time Deposit Account/Kissan Vikash Patra only towards E.M.D./initial security deposit/any other security deposit from the contractor or supplier.

(Substituted by F.D. U.O.R. No. 449 WFI, Dated 14.09.1995)

(c) A deduction of such percentage as may be prescribed by Government from the payments to be made on account of work done.

Notes: (I) In case of work in projects executed under special contract forms, an insurance policy of guarantee bond from two persons of known probity and wealth nominated by the contracting firm and approved by the Chief Engineer for a sum equivalent to 10% of, the contract amount may be taken.

(II) In a case, where the earnest money is deposited in the Treasury in cash under a challan, the same should be adjusted against security deposit immediately after the tender is accepted.

3.5.20. Contractors shall in each case be required to deposit one per cent of the estimated cost of work tendered for as earnest money while offering tenders, and one per cent as initial security at the time of acceptance of tender provided, however that the contractors having fixed security deposit as prescribed for the various classes of contractors, with the Registering Authorities either in cash or in the shape of interest bearing security shall be exempted from this requirement. (See Appendix VIII).

Notes: (I) The earnest money deposit and initial security deposit received from a contractor before and after acceptance of the tender shall form part of security deposit subsequently recovered from the contractor's bills.

(II) Earnest money given by all the contractors except the three lowest tenders should be refunded within a week from the date of receipt of tenders. The earnest money given by the other two parties except the one whose tenders is accepted should also be refunded within 15 days of the acceptance of the tender.

(III) The security deposit is refundable after 6 months or such period as specified in the agreement from the date of satisfactory completion of the work provided that the contractor's final bill has been paid. If however, there is inevitable delay in the payment of final bill of the contractor, the earnest money deposit and initial security deposit forming part of the security deposit may be refunded.

(IV) Security deposit should be refunded to the person or firm or company, who deposited the same. In the event of death or a person or dissolution of firm or company before refund of security deposit, payment should be made to the legal heirs or receivers after proper enquiry.

(V) In case of interest-bearing securities obtained as deposits, a register should be opened with all details. Care should be taken to obtain payment of interest on the securities on due dates and adjust it towards the security of the contractor for the work.

V. PROVISION IN CONTRACTS FOR DEPARTMENTAL STORES

3.5.21. In executing contracts of any description, care should be taken to retain in the hands of Government, the supply of imported materials, if required to any considerable extent, and to arrange the terms accordingly. Such stores either be supplied from the existing Government stock or be obtained in ordinary course by indent on the appropriate Central Purchasing Organisation, if any, of the Government of India or by purchases in the Indian market. In the case of important construction works let out on contract, such stores may be supplied by the contracting firm, subject to the conditions stated in the 'Stores Rules'. It should also be made clear in the relevant contract that such stores will be supplied only if available, and that any delay in the supply of such stores to contractors shall not entitle them to prefer any claim for compensation or otherwise.

VI. ENFORCEMENT OF TERMS OF CONTRACT

3.5.22. Engineers and their subordinates are responsible that the terms of contracts are strictly enforced, and that no act is done tending to nullify or vitiate a contract. All contract deed must be, executed in one of the standard forms, but they may be modified to, suit local requirements after approval of Govt. in the Administrative Department. No uncertain or indefinite liability or any condition of an unusual character should be incorporated in the contract without the specific sanction of the Finance Department. (See also executive instructions regarding calling for and acceptance of tenders in the Appendix IX).

Notes: (I) All agreements or security bonds entered into with the public works officers by contractors for execution of work, or supply of material or for securing the due performance of contracts are exempted from stamp duty.

(II) An agreement for hire of plant and machinery is not an instrument for execution of any work nor is it an instrument for the due performance of any contract, and as such is not exempted from stamp duty.

VII. OFFICERS EMPOWERED TO EXECUTE CONTRACTS

3.5.23. No authority lower than the officer in charge of a Subdivision can accept any tender or enter into a contract for public works. The officers legally empowered to execute, on behalf of the Governor of Odisha, the different classes of deeds, contracts, and other instruments are detailed in Appendix X. The financial limits upto which Public Works Officers are authorised to determine the terms of deeds are detailed in the specific orders of delegation made in this behalf vide paragraph 6.3.15.

3.5.24. It is permissible with the prior Approval-of the authority who is competent to accept the tender for the whole work to split up the work-into several parts of reaches for facility of execution of work as in the case of construction or repairs to roads or Poarts of a big buildings project, excavation of main canals and branches etc. It should, however, be clearly understood that the splitting up of a work at the time of calling for tenders is a measure which should be justified by circumstances and must be in the interest of the work. It must not be resorted to with

a view to evade the operation of any prescribed limit. Wherever any work is executed by splitting up, the abstract of sanctioned estimate for the work should also be split up and approved by competent authority for facility of control over expenditure and sanction. The split up portion of the work can be treated as a separate work so far as acceptance of tender is concerned. When a work is split up into parts or reaches separate tenders should be called for each such part or reach (by separate tender notice). It would, all the same be advantageous to invite the tenders for various reaches or parts at the same time.

BAN ON SPLITTING UP OF WORKS

In continuation to this Department Circular No. 1223 Dated the 21st January, 2006, government after careful consideration have been pleased to make further provision as follows for splitting-up of work-

"Depending on the necessity and urgency of execution of work of damaged roads and buildings under plan scheme, work may be split-up to Rs. 5 Lakhs after approval by the concerned Superintending Engineer."

2. Relevant codal provision under purview of this amendment stand modified with effect from the date of issue of this O.M.

3. Any deviation from this instruction would be viewed seriously and disciplinary action would be taken against the delinquent.

(Vide WD No. 9197-Codes-7/2007/W, Dt.31.05.2007)

3.5.25. When a work covered by one notice of tender is proposed to be divided amongst a number of contractors, a clause to that effect should be inserted in the notice inviting tenders as well as in the tender form. Care should be taken to see that portions of a work allotted to different contractors are of distinct nature and are sufficiently separated to make interference with supplies of materials and labour impossible.

In such cases it is permissible to give out to different contractors a number of contracts relating to different parts of the same work but tender for all such works have to be decided by the authority competent to accept the tender for the work as a whole.

VIII. PROGRESS REPORT OF MEASUREMENTS ON WORKS EXECUTED UNDER CONTRACT

3.5.26. Every Officer or subordinate in charge of a work carried out under a contract should furnish to the Divisional officer at the beginning of each month a progress report of the measurements and a calculation of the quantities of work paid for during the previous month, together with a return of all materials as at-site on the last day of the month. And no such officer or subordinate should be relieved of his charge until after a careful inspection by his superior officer is made or a certificate granted by the relieving officer is the duty of the officer-in-charge to bring to notice any dilatoriness, bed work, or anything militating against the interests of Government on the part of the contractor and he will be responsible for any neglect in this respect.

IX. MISCELLANEOUS

(i) Execution of Contracts

3.5.27. Before entering into a contract, all pros and cons should be considered and validity of contractual document should be ensured Adequate care should also be taken to complete the

agreement to be entered into with the contractor. A complete agreement consists of tender documents as laid down in para 3.5.6 and includes -

- (a) letter of the contractor submitting the tender;
- (b) letter of acceptance of the tender;
- (c) letter of the Divisional Officer communicating acceptance of the tender.

3.5.28. A register of contract/agreements pertaining to each year should be maintained in each Sub divisional and Divisional Office in the prescribed form. The various agreements executed during a year will be assigned a number with reference to the year of execution in order of occurrence. Similar registers should be maintained in the Superintending and Chief Engineer's office in respect of tenders accepted by them or any higher authority. The agreement number assigned to these contracts in the Divisional Office should be indicated against each item in this register. The register shall be reviewed by the Superintending Engineer during local inspection.

3.5.29. All payments due to the contractors for work done, services rendered and materials delivered should be promptly settled, in any case not later than 60 days after the satisfactory completion of the work at the latest unless otherwise provided in any contract.

(ii) Extension of Time

3.5.30. Application for extension of time for the completion of a work on the grounds of unavoidable hindrance or any other grounds shall be submitted by the contractor within 30 days of such hindrance and the Divisional Officer shall authorise or recommend such extension of time as deemed necessary or proper within fifteen days of the receipt of such an application. In cases where the sanction of the higher authority to the grant of extension of time is necessary, the Divisional Officer should send his recommendation as expeditiously as possible. The higher authority should communicate his decision within 60 days from the date of receipt on recommendation in his office. If the orders of the competent authority are not received in time the Divisional Officer may grant extension of time under intimation to the concerned authorities so that the contract might remain in force, but while communicating this extension of time, he must inform the contractor that extension is granted without prejudice to Govt.'s right to levy Compensation under relevant clause of the contract.

Notes: (I) The power to grant extension of time vests with the authority who accepted the tender but the period of extension that can be granted by such an authority is limited to the period equivalent to the time originally stipulated in the agreement for completion of the work. Beyond this, approval of next higher authority should be obtained before extension of time is granted.

- (II) The application for extension of time and sanction thereto should be made in the prescribed form.

(iii) Deviations from Contracts

3.5.31. Any increase/ decrease over/ below the schedule of quantities appended to the tender during execution should be carefully investigated into by the Divisional Officer with a view to determine the financial implication of such variations on the relative position of lowest tender. If due to wide variations during execution the relative position of the lowest tender stands changed subsequently, the work should ordinarily be closed and the balance work executed under a separate contract following the usual procedure. However the balance of work can be continued under the same contract with the specific approval of authority higher than the officer, who accepted the tender.

Notes: Any deviation from the nature, specification, quantity and rates of items as mentioned in the agreement requires approval of the competent authority prior to payment (See paragraph 6.3.17).

3.6. SALE AND ACQUISITION OF LAND

1. SALE OF GOVT. LAND AND IMMOVABLE PROPERTY

3.6.1. (a) Land belonging to the Departments in charge of Public Works should not be transferred Without the approval of Govt. the Administrative Department.

(b) All land not required by the Departments in charge of Public Works must be handed over to the Revenue Department after the approval of the Administrative Department.

(c) When surplus land acquired for a commercial project is sold or transferred, the sale proceeds should be credited to the project.

(d) Land cannot be leased out for agricultural purposes by the Department in charge of public works.

(e) If any land acquired for a commercial project is not immediately required for the project, the same can be leased out by the Revenue Department-provided the Divisional Officer certifies that the land is not immediately required for the project. In such cases the receipts on account of such lease should be credited to the project.

(f) In case the land is required by the project before the expiry of the lease, the lease money for the unexpired portion of the lease should be refunded.

(g) As Government have to pay compensation if the land is resumed when there is a standing crop, the Divisional Officers should assess the period for which lease can be granted carefully. The period of such lease should in no case exceed two years at a time.

Notes:-(I) See para 17.1.6 and Statement-E of Appendix-2, Rule-5 of the CPWA Code.

(ii) The Divisional Officer should maintain a register showing the particulars of the land given on temporary lease the lease amount, the period of lease and the name of the tenants.

3.6.2. When any immovable public property is made over to a local authority for public, religious, educational or any other purpose the grant should be made expressly on the condition in addition , to any other condition that may be settled, that the property shall be liable to be resumed by Govt. if used for other than the specific purposes for which it is granted; and that should the property be at any time resumed by Govt., the compensation payable therefore shall in no case exceed the amount, if any, paid to Govt. for the grant, together with the cost or present value thereof, whichever may be less, of any building erected or other works executed on the land by the legal authority.

II. ACQUISITION OF LAND

(i) General

3.6.3. When the land is required for public purposes the officers in charge of public works should in the first instance, consult the Collector of the district and obtain from him the fullest possible information as to the probable cost of the land per acre or otherwise, together with the value of buildings etc., situated on the property for which compensation will have to be paid. With the information thus obtained an estimate should be framed by the Divisional Officer and submitted for sanction.

3.6.4. When sanction to an estimate framed, as directed above, has been obtained, the Divisional Officer or other public works officer concerned should submit the matter to the competent Revenue Officer who will take the necessary preliminary action for the acquisition of

the land under the Land Acquisition Act, provided that necessary administrative approval and technical sanction to the work has been accorded by the competent authority. The detailed procedure to be followed in this regard is laid down in the Land Acquisition Manual and executive instructions there under.

Note: The general procedure to be followed in connection with land acquisition is indicated in Appendix XI.

3.6.5. After the preliminary arrangements prescribed in the preceding paragraphs have been duly carried out, land will be taken up under the Act, either by the Collector or by Special Officer placed at the disposal of the Departments in charge of public works and vested with the powers of a Collector under the Act.

Notes: (I) The procedure in both cases is prescribed in the Odisha Treasury Code, Volume II, Appendix VII.

(II) **Estimates sanctioned** for payment of land acquisition charges are treated as detailed estimates and expenditure is booked against individual sanction accordingly.

(ii) Land held for Military Purposes

3.6.6. No land whether:

- (a) within cantonment limits; or
- (b) forming part of an encamping ground; or
- (c) otherwise held for military purposes

should be taken up or occupied for any purpose whatever either by contractors or any other person (official or non-official) acting under the orders of any Civil Department of the State, until the sanction of the Govt. of India in the Ministry of Defence to the occupation or use of the land has first been obtained and communicated to the General Officer Commanding the Division or Independent Brigade. In all such cases the sanction of the Govt. of India should be obtained by the General Officer Commanding the Division or Independent Brigade through the Quarter Master General. Application for such land when within cantonment limits should be made by the Officer in charge of the works to the cantonment authority and by letter to the superior military authority, but in the case of military encamping grounds, applications should be made to the General Officer commanding the Division or Independent Brigade. The Military authorities will then take the necessary steps to obtain -

- (i) the opinion of the State Government which should invariably be recorded on all applications, and
- (ii) the sanction of the Government of India to the occupation of the required land.

The foregoing procedure will apply in cases where it is proposed to purchase or otherwise acquire permanently any building situated on military land for the use of a civil Department.

3.7. EXECUTION OF WORKS

I. COMMENCEMENT OF WORKS

3.7.1. (a) It is a fundamental rule that no work shall be commenced or liability incurred in connection with it unless:

- (i) administrative approval where necessary has been received;
- (ii) properly detailed design and estimate have been technically sanctioned;
- (iii) allotment of funds has been made; and

(iv) orders for its commencement have been issued by a competent authority

Provision in budget estimate for a work does not convey any authority for the commencement of outlay on the work. Such provision is made on the implied understanding that before any expenditure is incurred, the above conditions are fulfilled.

The sanction of a design and estimate by the competent authority conveys no permission for the commencement of expenditure on the work unless such expenditure has been provided for in the budget estimate of the year or provision has been made for the outlay within the official year either by supplementary demand, reappropriation or out of some lump sum grant allotted for the head of classification under which the service falls or otherwise.

In the third para of Rule 126 of the Odisha Budget Manual, a sanction becomes operative only when funds are appropriated to meet it and when funds are to be provided by reappropriation which require the sanction of higher authority, expenditure should not be incurred in anticipation of sanction to the reappropriation. Exceptions to the above fundamental Rules are

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(i) Works for which specific orders are received from Govt. For commencement prior to issue of administrative approval and/or allotment of funds.

(ii) Works, such as breached in embankments or storm-damage to buildings or roads or damage to plant and machinery or transmission lines due to fire or accident or breakdown of supply due to storm or lightning strokes etc. or other works where immediate action is essential.

(iii) In exceptional cases where it is desirable to commence work on a project which has been administratively approved before the detailed estimate for the whole of project has been prepared as per provisions contained in para 6.1.3.

(b) In cases falling under the exceptions (i), (ii), (iii), above and in any other case, whether on grounds of urgency or otherwise, an executive officer is required by superior authority to carry out a work or incur liability which involves an infringement of these fundamental rules, the orders of such authority should be conveyed in writing. On receipt of such written orders or in cases of emergency, on his own responsibility the officer may proceed to carry out the necessary work subject to the condition that he immediately intimates both the Accountant General, Odisha and the Government through proper channel that he is incurring an unauthorised liability and states approximately the amount of the-liability which he is likely to incur. In such cases, the Chief Engineer should see that necessary administrative approval or technical sanction to the estimate, as the case may be, is accorded by the competent authority within three months from the date of commencement of the work.

3.7.2. Verbal orders for commencement of work are to be deprecated as being liable to misapprehension, but in cases where such orders are given those should be confirmed in writing as soon as possible thereafter.

If the officer to whom verbal orders were given does not get written confirmation within a fortnight, he should at once make a reference seeking such written confirmation.

When an officer decides to incur expenditure on the verbal request of another officer, the responsibility for the expenditure is squarely placed on the officer incurring it and he should make a prompt report about the liability incurred to his own superior officer with full explanation establishing the urgency of the case. The authority receiving the report should refer the matter promptly for the orders of the competent authority. [See paragraph 3.7.1 (b)]

3.7.3. When any new building is about to be commenced or any alteration, addition or repairs executed to any building, due intimation of such intention must be given to the local Head of the Department occupying or requiring the building.

3.7.4. No work should be commenced on land which has not been duly made over by a responsible civil officer.

II. SCOPE OF SANCTION

3.7.5. The authority granted by an administrative approval to an estimate must on all occasions be looked upon as strictly limited by the precise objects for which the estimate is intended to provide. Accordingly, any anticipated actual savings on that estimate for a definite project should not, without special authority, be applied to carry out additional work not contemplated in the original project or fairly contingent upon its actual execution.

Saving due to the abandonment of a substantial section of any project administratively approved by and authority are not to be considered as available for work on other sections without further approval of that authority.

Note: For the purpose of this rule a substantial section of a project shall be considered to have been abandoned, if the estimated cost of work in such section is not less than 5% of the total sanctioned cost of project, excluding in the case of irrigation projects the estimated cost of the head works as originally approved.

III. LAPSE OF SANCTION

3.7.6. The approval or sanction to an estimate for any public work, other than annual repairs will, unless such work has commenced, cease to operate after a period of 5 years from the date on which it was accorded. In respect of repairs estimate the period of currency is regulated under the provisions of para 3.4.25 and 3.4.28. When an abandoned work is required to be taken up again, fresh administrative approval will be necessary, but in case of work, the execution of which was deferred, the work can be restarted on receipt of instructions from the competent authority without fresh administrative approval within 5 years from the date of its original approval; provided that the estimate does not otherwise require revised administrative approval on account of increase in rates or modification of the original proposal or design.

Notes: (I) In the case of a work which has been started and is either required to be abandoned or its further execution deferred under orders of competent authority, the contract should be terminated under proper notice without loss of time and the accounts of the work closed.

(II) The works abandoned should be properly reported to audit to watch that further expenditure on these abandoned works is not incurred without proper authority.

IV ALTERATIONS IN DESIGN DURING CONSTRUCTION

3.7.7. No material alteration in sanctioned and also standard designs which have been approved by a higher authority should be made by a Divisional Officer without the approval of such authority. If any alteration of importance involving additional expense is found necessary, a revised or supplementary estimate (see paragraphs 3.11.1 to 3.11.4.) should be submitted for sanction. However in unavoidable cases where any delay is likely to cause inconvenience, an immediate report of the circumstances must be made to the superior authority and dealt with as the case may require.

Note: Revised administrative approval is necessary in the cases indicated in paragraph 3.2.4.

3.7.8. In works, the estimates for which have been sanctioned by a competent authority no addition or alteration likely to cause an excess which does not fall within the powers of sanction of that authority should be permitted without the previous approval of a higher authority.

3.7.9. Where important structural alternations are contemplated, though not necessarily involving an increased outlay, the orders of the original sanctioning authority should be obtained. A revised estimate should be submitted for technical sanction and administrative approval should the alterations involve any substantial change in the cost of the work.

Note: See also paragraph 3.2.4 of this Code.

V. MISCELLANEOUS RULES FOR EXECUTION OF WORKS

3.7.10. In the execution of Works, every care should be taken that the safety and convenience of the public are duly attended to and that all operations are carried on in such a manner as to interfere as little as possible with the traffic or_ ordinary pursuits of the people. Temporary roads and bridges should, when necessary, be provided and particular attention should be paid to the adequate lighting at night of all obstructions to public roads and passages. The occupation of land, when practicable be so timed as not to lead to the destruction of standing crops. Brick and like kilns should not be erected so close to the inhabited part of any town or cantonment as to be a nuisance.

3.7.11. Except under orders of the State Govt. no religious edifice should be destroyed or injured in the execution of works without the full and free consent of the persons interested in it, or without the concurrence of the principal civil authority on the spot. (see also paragraph 4.1.21)

3.7.12. All interruptions of large works in progress should be immediately reported to the Superintending Engineer, the cause and probable duration of such interruptions being duly explained.

3.7.13. All unusual losses in the manufacture of materials must, on their occurrence, be reported to the Superintending Engineer.

3.7.14. Divisional Officers should promptly report to the Chief Engineer and also to the Superintending Engineer the occurrence of all serious and important accidents or damage to irrigation works or to electrical works or to any road or building borne on the books of the Department, or to any historical or archaeological monuments whether in charge of the Department or not Divisional Officers and other subordinates in charge of works should furnish immediate information to the officer-in-charge of the nearest Police Station on the occasion of every serious accident, and in the case of death on the spot they should not allow the body to be removed till an enquiry has been held.

The Chief Engineer on receipt of such reports should immediately transmits the same to Govt. with his comments, if any. A detailed report should also be submitted by him within a reasonable period after causing a Departmental enquiry into the accidents or damages. (See para 2.2.37)

3.7.15. The employment of female, labourers on works in the neighbourhood of soldier's barracks or jail should be avoided as far as possible. No person under the age of 12 years should be employed on works carried out departmentally. In case of works given out on contract, a condition to this effect should be prescribed in the contract.

3.7.16. Temporary accommodation for work-charged employees stationed at the site of work may be provided subject to the specific provisions in the estimate of the work.

3.7.17. In carrying out public works departmentally or through the agency of contractors local labour should as far as possible be utilised and various Labour Acts and Regulations thereunder in force should be followed.

3.7.18. Carriage of any description, employed for purposes, connected with public works, is as liable to be impressed for military purposes as carriage employed by private individuals.

3.7.19. The Superintending Engineer may if he deems it necessary direct the Divisional Officer to suspend the commencement or progress of any work due to administrative or technical reasons.

3.7.20. (a) A site order book containing pages duly machine numbered-and in the prescribed form should be opened and kept with the officer-in-charge in respect of major works executed departmentally or through contractors in which all orders to the executive subordinates or to the contractors must be recorded and signed by the officer giving the order. Where an order is meant for the contractor, a copy should be promptly forward to him by the Divisional Officer. Copies or all orders whether intended for subordinate-Officers or contractors must be promptly despatched to the officer issuing the orders and his immediate superior (See Para 2.2.9 and 2.2.23 regarding inspection of works).

(b) It will be the responsibility of the officer receiving any verbal orders of his superior to get it confirmed within 15 days.

(c) In case of a senior supervising officer like Superintending Engineer and Chief Engineer where it is not possible to issue written orders, such an order should be confirmed within 10 days.

(d) The Divisional and Sub-divisional Officer should invariably sign the site order books in token of their having read all the instructions issued by the various, officers and replies made thereto.

(e) Sectional Officer should also record their observations in the site order books if they find any defective work going on or contractors not complying with the terms of the contract.

(f) Site order books should never be removed from the site of the works in any circumstances and should invariably be consulted at the time of making final payments to contractor.

VI. ADVANCES TO CONTRACTORS

3.7.21. Advances to contractors are as a rule prohibited, and every endeavour should be made to maintain a system under which no payment is made except for work actually done. Exceptions are however, permitted in the following cases:

(a) Cases in which a contractors, whose contract is for finished work, requires an advance on the security of materials brought to site. A Divisional Officer may, in such cases, sanction advances up to an amount not exceeding 75 per cent of the value (as assessed by himself) of such materials, provided that they are of an imperishable nature and that a formal agreement is drawn up with the contractor under which Government secures a lien on the materials and is safeguarded against losses due to the contractor's postponing the execution of the work or to the shortage or misuse of the materials and against the expense entailed for their proper watch and safe custody. Payment of such advances should be made only on the certificate of an officer, not below the rank of Sub-divisional Officer that the quantities of materials upon which the advances are made have actually been brought to site, that the contractor has not previously received any advance on that security and that the materials are all required by the contractors for use on items of work for which rates for, finished work have been agreed upon. The officer granting such a certificate will be held personally responsible for any overpayment which may occur in consequence. Recoveries of advances so made must not be postponed until the whole of the work entrusted to the contractor is completed. They should be made from his bills for work done as the materials are used, the necessary deductions being made whenever the items of work in which they are used are billed for.

Note: Payment of advance on the security of materials at quarry site is prohibited.

(b) Where in the interest of work, it is absolutely necessary to make advances, such advances may be made by the Sub-divisional Officer upto Rs. 200 and the Divisional Officer upto Rs. 500 inclusive of previous advances for each work.

(c) In all other cases the sanction of Government must be obtained which will be accorded only in exceptional circumstances, when such advances seem indispensable and provided that the necessary precautions are taken for securing Government against loss. Such a system will not be allowed to become general or to continue longer than is absolutely essential.

VII. SANITATION ON EXTENSIVE WORKS

3.7.22. On extensive works, where large labour force is collected, the importance of good hutting, water-supply and sanitary must be borne in mind and all reasonable precautions must be taken to maintain the health of the labour force and prevent arrest the progress of epidemics.

In case of works, executed through contractors it shall be the responsibility of the contractor to provide the above mentioned amenities and take the above mentioned precautions. It shall be the responsibility of the Divisional Officer to ensure that such arrangements are made properly by the contractor.

VIII. INFORMATION TO BE GIVEN TO THE SURVEY DEPARTMENT

3.7.23. (i) To enable the Survey Department to keep its up-to-date, information regarding additions or alterations or to existing works and all new public works such as dams, main and subsidiary reservoirs, power houses barrages, weirs, canals , cross drainage works, roads, railways, bridges and extra high tension trunk and branch lines for transmission of the electrical energy should be supplied to them.

(ii) When any such public work has been constructed or Section thereof has been opened, a copy of the index or record map, on whatever scale available (not less than 1 cm. to 0.50 Km;) provided it is from original surveys and not a mere eye sketch made on tracings from the Survey of India maps, should be sent to the Survey of India office, Calcutta, and that Department will take steps to have the material utilised by its own draftsman Index plans of canals, large irrigation channels, main lines of road, extra high tension trunk and branch lines for transmission of electrical energy should be sent to the Survey Department.

(iii) To ensure the material supplied being suitable for the purpose of the Survey Department, the topography adjoining the alignment, as village sites, tri-junction boundary pillars, other, permanent objects the crossing of roads and streams, should be accurately shown, and it should be, stated on the map supplied if the information is derived from actual survey or otherwise.

(iv) The Survey Department should be requested to treat the index of record maps with every care and to return them as, early as possible to the officers from whom they have been received so that the labour of tracing the same need not be restarted to.

3.8. EXECUTION OF WORKS BY CIVIL OFFICERS

I. General

3.8.1. Save in cases where the Government may assign the construction and maintenance of buildings and other public works to the Department is using or requiring them, the execution of all the works of construction or repair required for Government Departments should be entrusted to Public Works Department.

II. PUBLIC WORKS EXECUTED BY CIVIL OFFICERS ACTING AS PUBLIC WORKS DISBURSERS

3.8.2. The administration of the all public works other than those assigned to the Departments concerned under paragraph 3.8.1., falls within the functions of the Departments in charge of public works. But even such works relating to buildings or roads, or irrigation etc. Not costing over Rs 5,000 may be by a mutual understanding between the Department in-charge of public works and the Departments concerned be executed by the letter on behalf of the former, the

charges being debatable to the public works grants. In actual practice the system may be confined mainly to ordinary and special repairs in outline areas where there is inadequacy of the public works staff and it is advantageous to both the Departments. The expenditure when incurred on account of ordinary or special repairs on each building, road etc. should be limited to the amount authorized by the Department in charge of public works and the annual statement of the amounts so spent should be sent by the head of the civil Department to public works division concerned in order to enable the latter to keep a check on the amount and also to see that repairs to buildings or roads or irrigation works etc. are carried out periodically and are not neglected for years together.

Any wing of a Public Works Department may take up works relating to other wings for facility of execution such as canal-bridges on road crossings etc. In such cases the executing Division should obtain plan designs and estimates duly countersigned from the requiring Division and execute the work on receipt of necessary funds in advance.

Notes: (I) The system should not be adopted, in the case of jail works costing over Rs. 5,000. Such works should be carried out by the Public Works Department itself. But in giving out works on contract, Public Works Department Officers should exclude from the scope of contract such items of the works as require no skilled labour or skilled supervision and allot them to the jail Department for execution.

(II) While entrusting works to other departments, it should be the endeavour to entrust the works, as far as possible, to Department which have engineering personnel under their control.

3.9. CONTRIBUTIONS/ DEPOSIT WORKS

3.9.1. The Departments in charge of public works may occasionally at the discretion of the State Government, be called upon to execute works for which the outlay is provided wholly or in part from-

(a) Funds of a public nature but not included in the financial estimates and accounts of the State Government; and

(b) Contributions from the public.

The powers of public works officers to undertake deposit works are the same as that of according administrative approval to the deposit works under paragraph 6.3. 1.

3.9.2. Where a work is to be carried out partly from funds provided in the estimates of the Department and partly from funds of the foregoing nature, the contribution will be considered as a lump sum in addition to the Govt. grant, and the work executed strictly in accordance with the procedure laid down for public works.

In such cases, it should be pre-determined as to who will be the eventual owner of the work. If the party depositing the funds will be the eventual owner of the work, the financial assistance given by the Government will be treated as a grant-in-aid.

3.9.3. The contribution/ deposit should be realised before any liability is incurred on account of the work. In cases where the State Government is satisfied that the money will be forthcoming when required, it may authorise the recovery from the contributor in suitable instalments on fixed dates. No interest will be allowed on sums deposited as private contributions for public works.

3.9.4 In cases where the Department undertakes to design and construct a work wholly from the sources alluded to in paragraph 3.9.1., such as a town hall or reservoir for a municipality or a school or hospital for which funds have been raised by subscription, the following rules will be observed.

(i) The design and estimate will, in the first instance, be drawn up in consultation with the party or parties depositing or administering the funds and must be submitted for the approval of such higher local Departmental authority as the extent of the estimate would require in the case of an ordinary public work.

(ii) Provision must be made to cover the cost of establishment and tools and plant at such percentages as may from time to time be prescribed by the State Government in accordance with the Rules in Appendix 4 of the Central Public Works Account Code, together with an addition of one per cent for audit and accounts establishment.

(See paragraph 6.2.5., for remission of Departmental charges).

(iii) Prior to the work being put in hand, a written approval to the estimate and design must be obtained from the authority depositing or administering the funds, and an acknowledgment procured to the effect that in undertaking the work the Department does not accept responsibility for unavoidable and reasonable excess, such as would be caused by a rise in the price of labour or materials by authorised alterations in design, loss by fire or theft, or by other factors which could not be foreseen at the time the estimate was prepared. Any alteration in design must be similarly dealt with.

(iv) The necessary funds for the execution of the work must be realised and paid into the Government treasury either in a lumpsum or in such installments and by such dates as the State Government may decide in each case. No advance of Govt. money for such purpose will be permitted and in a case where the money is paid by installments, Govt will not be responsible for any increase in cost or damage to the uncompleted work, caused by a temporary stoppage of the work pending receipt of further instalments.

(v) It will be the duty of the officer in charge of the work to bring at once to the notice of his superiors and of local body or individuals, any anticipated excess over estimate as well as to provide the fullest information in connection with the progress of expenditure, so that no responsibility may attach to Government in the event of the work having to be stopped for want of funds.

(vi) The authority under whose orders a contribution/deposit work is undertaken should satisfy itself that the extent to which Govt. is responsible in regard to the execution of the work is thoroughly understood both by the parties for whom the work is to be constructed and by the executive officers to whom its construction is to be entrusted.

(vii) Where the work is of magnitude, or there is any special circumstance which seems to render such a course desirable, an agreement should be drawn up under legal advice.

3.9.5. When a work is completed, the Divisional Officer should forward a completion certificate together with completion plans etc., (or the results of experiments) to the authority on whose behalf the work is executed. The acknowledgement of that authority should be obtained and recorded.

Para - 3.9.6. It must be distinctly understood that contributions deposits on account of one work can in no circumstances, be utilised in meeting outlay an account of another work the contributions/ deposits for which may be in arrears.

3.9.7. In order to enable the non-Government bodies depositing funds for execution of works to be aware of the progress of expenditure a statement of expenditure should be supplied by the Divisional Officer concerned to the depositors every quarter in the form detailed below when the expenditure is within the contributions/deposits received and every month when an excess

over/the contribution/deposit is anticipated until the accounts are finalised. An annual statement of expenditure may be furnished to the non-Government bodies through the Accountant General. Statement showing the expenditure incurred by the Divisional Officer.....Division to the end of on contribution/ deposit works.

Sl. No.	Name of work	Amount	Amount	to				Unspent balance at the end of expenditure
				Expenditure	During Percentage Charge	Expenditure upon the end of work	Percentage charge	
1	2	3	4	5	6	7	8	9

Memo No..... Date.....
 Copy forwarded to for information through the Accountant General.

Signature.....
 Designation.....

3.10. DISPOSAL OF ESTIMATE

I. OFFICE OF RECORD FOR ESTIMATES

3.10.1. Whenever any estimate is submitted for sanction to superior authority, it should be submitted in duplicate. After the estimate is sanctioned, the authority sanctioning the estimate should retain one authenticated copy in his office after entering it in the prescribed register of sanctioned estimates. The other copy of the estimate duly authenticated should be returned to the Divisional Officer who shall keep a record thereof in the prescribed register. Copies of sanctioned estimates should also be supplied to the executive subordinates in, charge of the work.

II. COMMUNICATION OF SANCTION TO ESTIMATES TO THE AUDIT OFFICER

3.10.2. A return of all sanctioned estimates costing more than Rs. 25 lakhs in respect of projects and Rs. 10 lakhs in respect of non-projects should be sent to the Account General's Office.

Note: The Superintending Engineer is responsible that in cases where a substantial section of a project sanctioned by higher authority has been abandoned, even though provisionally, the aggregate assumed cost (including contingencies) of the works included in that Section is intimated to the Audit Officer for exclusion from the total sanctioned estimate of the project. (See also paragraph 3.7.5.)

3.11. SUPPLEMENTARY AND REVISED ESTIMATES

I. SUPPLEMENTARY ESTIMATES

3.11.1. Any development of a project through necessary while a work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be recovered by a supplementary estimate, accompanied by a full report or the circumstance which render it necessary. The abstract must show the amount of the original estimate and the total of the sanction required including the supplementary amount.

Note: Application for sanction of supplementary estimate should show the amount of the original estimate and the total amount including the supplementary estimate for which sanction is sought and also of the supplementary estimates sanctioned previously in respect of the same work. (See para 6.3.2 for according technical sanction).

II. REVISED ESTIMATES

3.11.2. (a) A revised estimate must be submitted when the sanctioned estimate (See paragraph 3.7.5) is likely to be exceeded by more than 5 per cent in respect of residential buildings and by more than 10 per cent in respect of all other works, either from the rates being found insufficient or when material developments or deviations have necessitated revised administrative approval from or any cause whatever except as mentioned in paragraph 3.11.1 (See also paragraph 3.7.9)

(b) When there is a likelihood of unavoidable delay in the preparation of a revised estimate, an immediate report should be made to the authority whose sanction (administrative approval and technical sanction) would ultimately be required to the revised estimate.

3.11.3. When a revised estimate is submitted it must be accompanied by a statement comparing it with the latest existing sanction of the competent authority (Schedule XXXVI) form No. 19) and by a report showing the progress made to date.

III. UTILISATION OF COMPLETION REPORT AS A REVISED ESTIMATE

3.11.4. When excess occur at such an advanced period in the construction of a work as to render the submission of a revised estimate purposeless, the excesses, if beyond the Divisional Officer to pass may be explained in the completion report or statement prepared under the Rules in paragraph 3.12.1. But when excesses of more than five per cent shown on a completion report should be explained why a revised estimate was not submitted before the work was completed and the Superintending Engineer should report whether the probability of an excess occurring was reported to him on a work slip.

3.12. COMPLETION REPORTS, CERTIFICATES AND PLANS

I. GENERAL

3.12.1. (a) A consolidated completion statement (in form No. 156 of Schedule XLV) should be prepared monthly of all completed works other than those referred in clause (b), the actual expenditure on which is in excess of the sanctioned estimate (see paragraph 3.7.5) by an amount

greater than that which the Divisional Officer is empowered to pass. This statement should show for each work or group of works the estimated amount, the outlay and the excess. In cases in which the completion statement is utilised instead of revised estimate under paragraph 3.11.4 sufficient details must be given, if the excess is more than 5 per cent to satisfy the authority whose sanction is necessary.

(b) A detailed completion report (in form No. 155 of Schedule XLV) need only be prepared in respect of works on which the outlay has been recorded by subheads-

(i) When, if the work was sanctioned by higher authority, the total estimate has been exceeded by more than 5 percent; and

(ii), When, if the work was sanctioned by the Divisional Officer, the total estimate has been exceeded by an amount greater than that which he is empowered to pass. This report should give a comparison and an explanation of difference between the quantity, rate and cost of the work executed and those entered in the estimate and should mention the names of the engineers and subordinates by whom the, work was supervised (See also paragraph 3.7.5.)

Note: The Superintending Engineer may, if he so desires, require intermediate completion report in respect of important component parts of any work.

II. WORKS EXECUTED ON BEHALF OF OTHER DEPARTMENTS

3.12.2. On completion of an original work executed on behalf of another Department, a completion certificate (in form No. 81 of Schedule XXXVI) should be forwarded by the Divisional Officer to the Civil authority concerned, who should after signing in the space provided for the purpose (see also paragraph 3.12.4) return it to be the Divisional Officer. After the certificate is received back from the civil authority a copy thereof should be sent to audit. In the case of repairs, the Sub-divisional Officer should submit, a completion certificate (in form No. 81-A of Schedule XXXVI) to the officer of the Department immediately interested in the work who should, after endorsing it with the remark that the work is in 'good' order or otherwise, forward it to his Departmental superior (if he is not himself the officer competent to sign the certificate). The latter officer should then transmit it to the Divisional Officer for disposal. The completion certificate in the case of petty works and repairs will be endorsed on the requisition and no separate certificate is then required.

3.12.3. Civil officers are required to fill up, and sign all authorised forms of requisition, completion report or other certificate of execution that may require by the Divisional Officer in consequence of the execution of any work on their application or order.

3.12.4. The countersignature of a civil officer merely implies, in the case of an original work that the work has been completed and taken over and in the case of repairs that the building or work, generally is in proper order and involves no further responsibility. If the countersigning officer is not satisfied with the work and wishes to make any remark, he can do so, over his signature. But he should bear in mind that in making remarks, which are unnecessary or irrelevant, he may occasion trouble and delay. (See also paragraph 3.12.6)

III. RECORD DRAWINGS AND PLANS

3.12.5. Record drawings, showing the work as actually constructed, should be completed as the work proceeds by, the officer in immediate charge of every new work or alterations of on existing work, for approval and record by the Divisional Officer (see paragraph 5.8.1 and 4.1.29) Completion plans, consisting of copies of the record plans of the more important works and alterations should, if required to, elucidate the report or if otherwise so directed by the

Superintending Engineer be prepared in the Divisional Office to accompany the completion report (see paragraph 5.8.4)

Notes : (1) If the officer-in-charge of a work is transferred while the work is still in progress, the completion plan for the completed portion should be prepared and a reference to this should be made in handing over report.

(II) Record drawings of important municipal works constructed by a Division should be supplied to the Municipality concerned.

(III) Record drawings of buildings and other structures should consist of a site plan, ground plan, elevation and one or two Sections as may be necessary to illustrate the work, preferably on one sheet. Any other details required for a particular type of structure should also be given.

IV. OFFICE OF RECORD

3.12.6. (a) On the, completion of any work in respect of which a completion report or statement is required under paragraph 3.12.1, .such report or statement should be forwarded by the Divisional Officer to the Audit Officer who should after verification of the figures transmit it to the Superintending Engineer. If the Superintending Engineer is himself empowered to deal with the excess, he will dispose of the completion report of statement, otherwise he should submit it to the Chief Engineer who in his turn will submit it to the Administrative Department in-charge of public works, if he is not empowered to deal with the excess. After disposal by the authority concerned it should be returned to the Divisional Office, which is the office of final record for all completion reports. Sanctions passing the excess should be communicated to audit by the authorities concerned. Completion plans, if any, should not be sent to the audit office but should be forwarded direct to the Superintending Engineer who should attach them to the completion report on its receipt.

(b) Completion certificates which should not be submitted to audit, should ordinarily be retained in the Divisional Office. But in the event of unfavourable remarks having been recorded on such a certificate by any civil officer, it should be submitted for the orders of the Superintending Engineer with the explanation of the divisional Officer and an account of any action he may have taken. (See also para 5.8.4)

Note: The verified expenditure against all completed works should be noted in the register of sanctioned estimates.

CHAPTER 4

PUBLIC BUILDINGS

4.1. GENERAL

I. GENERAL RULES

4.1.1. The Divisional Officer should make some technical officer of his establishment answerable for the general condition and proper maintenance of each of the buildings under his jurisdiction.

4.1.2. Ordinarily public buildings meant for one purpose should not be used for any other purpose without the specific permission of the Divisional Officer concerned which is likely to cause damage to the building.

4.1.3. Insurance of Government building is not to be effected except in case of specially valuable property liable to special risks. In the latter case, the sanction of Government should be obtained.

4.1.4. The initial supply of fire buckets and fire extinguishers together with other appurtenances such as stands, brackets etc. where these are not provided at the time of original construction as well as all renewals of and repairs to the fire buckets and extinguishers shall be made by the heads of offices in occupation of the building. If in any case professional skill or assistance is considered necessary, the Divisional Officer and Sub-divisional Officer in charge of the building shall be consulted.

The cost of the provision shall be chargeable to office expenses of the office concerned and the Department in charge of public works shall not charge any Departmental charges for the professional or technical advice. If however, the work is executed through the Departments in charge of public works, the usual Departmental charges shall be levied.

II. FIXTURES AND FURNITURE

(a) FIXTURES

4.1.5. Every public building should be provided with all necessary fixtures, the expenditure being charged direct to works subject to the provision in the estimate. The periodical repair of these fixtures should be carried out by the Divisional Officer concerned and debited to the repair estimate of the building. All petty repairs of fixtures and replacement of broken glass in doors and windows in non-residential buildings required in the intervals between the periodical repairs should be carried out by the Department occupying the building and the expenditure met out of the office expenses of that Department.

Note: Flag staffs may be provided by the Departments in charge of Public Works as fixtures to the State Government buildings, wherever necessary.

(b) FURNITURE

(i) GENERAL

4.1.6. The Divisional Officer will neither supply nor repair furniture, screens, purdahs or tatties, nor will he perform any of the duties specified above as devolving on the departmental officer in charge. Furniture for new offices may, however, be supplied by the divisional Officer and charged in his accounts provided the State Government authorise the inclusion of the cost of such furniture

in the estimate of the officers concerned. The furniture thus supplied should be finally transferred to the concerned Department and should not be kept on the books of the Divisional Officer. The repairs and maintenance of such furniture shall devolve on the Department concerned and not on the Divisional Officer who has supplied the furniture. The outlay on the supply and repairs of furniture for dak-bungalows or rest houses or circuit house in charge of civil officers, will be treated as charges of the Civil Departments. In the case of public works inspection bungalows and rest sheds, the furniture should be supplied and repaired at the cost of the Department in charge of public works.

(II) FURNITURE IN THE RESIDENCE OF GOVERNOR

4.1.7. The administration of the furniture grant of the official residence of the Governor of Odisha, including the up-keep of a stock list and the purchase, repair and maintenance of furniture shall be conducted by the Secretary to the Governor. He should furnish the Accountant General, Odisha, with an annual certificate of verification in the form given below. During the second and the fourth years of the incumbency of the Governor, and at least once in every three years the certificate of verification should be countersigned by a gazetted officer of the Departments in charge of the public works (Roads and Buildings), in token of his joint responsibility for the actual verification.

FORM OF CERTIFICATE OF VERIFICATION

Certified that the furniture in Raj Bhawan at..... has been inspected and checked with the stock lists maintained. I am satisfied (i) that all new supplies up-to-date have been correctly brought on to the stock lists, (ii) that the stock lists are correct in all respects, (iii) that the articles in stock agree with the stock list, (iv) that the sale proceeds have been properly accounted for, and (v) that sanction of competent authority exists for writing off all articles struck off the lists.

(III) FURNITURE IN THE RESIDENCES OF CABINET MINISTER, MINISTERS OF STATE, DEPUTY MINISTER, SPEAKER AND DEPUTY SPEAKER ETC.

Para - 4.1.8. (a) Furniture shall be supplied to the residences of Cabinet Ministers, Ministers of State, Deputy Ministers, Speaker and Deputy Speaker at Government cost on the scale fixed by a general or special order. Except when otherwise ordered, the cost of such furniture, and the cost of its maintenance shall be met from the grant under the Works Department who shall be responsible for furnishing the residences of Cabinet, Ministers, Ministers of State, Deputy Minister, Speaker and Deputy Speaker etc. including the visitors waiting room and guest room, office room and the staff room at the residences according to the scale laid down in the Annexure to Appendix-20 of Odisha General Financial Rules Vol. II and shall also maintain the furniture supplied. The Personal Assistants of Cabinet Ministers, Ministers of State, Deputy Ministers, Speaker and Deputy Speaker etc. shall acknowledge receipt of furniture and maintain a list of all the furniture supplied in a register in the form prescribed for stocks accounts. The furniture shall be verified once a year by the Personal Assistant and the Subdivisional Officer in charge of furniture jointly and a certificate of verification as prescribed below recorded in the register and shall be submitted to audit by the Division concerned duly signed by the Personal Assistant and counter signed by the Subdivisional Officer. The furniture should also be verified when there is a change of incumbency of the persons using the furniture. On charge of Personal Assistant, they relieving Personal Assistant shall take over the charge of the furniture along with the register from the relieved Personal Assistant as an item of charge. A list of furniture handed over and taken over should be prepared in triplicate and signed both by the incoming and outgoing Personal Assistants,

a copy thereof being sent to the Sub-divisional Officer in charge of furniture. Any loss or breakage noticed at the time of verification shall be brought to the notice of Govt. in the Works Deptt. Cabinet Ministers, Minister of State, Deputy Ministers, Speaker and Deputy Speaker will generally be responsible for loss or breakage other than that caused by fair wear and tear.

(b) Cabinet Minister, Ministers of State, Deputy Ministers, Speaker and Deputy Speaker may send their requisitions for furniture to the Works Department who shall arrange to supply the furniture.

(c) The new supplies will only be made after the estimate is administratively approved and provision made in, the budget. In regard to repairs and replacement of furniture, the cost will be met from the 'repairs grant' of the buildings. The cost of new supply of furniture will be debited to "**283-Housing-Government residential buildings Furnishings**", and cost of repairs and replacement to "**283-Housing Government residential buildings-Furnishing-Repairs**". No item should, however, be replaced unless a survey report is prepared and approved by the competent authority.

(d) When any article supplied is sold or condemned under orders of competent authority, the fact should be noted in the register and in the case of transfer from the residence of a Cabinet Minister or Minister of State or Deputy Minister or Speaker or Deputy Speaker to the residence of other Cabinet Minister or Minister of State or Deputy Minister or speaker or Deputy Speaker, the article will be written off from the list of the former and entered as a fresh item, in the list of the latter. A permanent transfer of furniture etc., which has the effect of varying the scale of supply for each Cabinet Minister or Minister of State or Deputy Minister or Speaker or Deputy Speaker should be made with the approval of the Department in charge of the Minister's establishment. Condemnation and transfer of furniture should also be made with the approval of the Department in charge of the Minister establishment, but the condemnation certificate should be given by the Works Department in respect of the furniture supplied to the residence of the Cabinet Ministers, Ministers of State, Deputy Ministers, Speaker and Deputy Speaker.

(e) The care of all the articles provided at Government expense to the residence of the Cabinet Ministers, Minister of State, Deputy repair and renewal will rest with the Division concerned under Works Department. Any old and unserviceable article may be sold by public auction after it is duly condemned by a competent authority and the sale proceeds credited to the treasury by the Division concerned.

FORM OF CERTIFICATE OF VERIFICATION

Certified that the furniture in the residence of the Cabinet Minister/ Minister of State/ Deputy Minister/ Speaker/ Deputy Speaker at has been inspected and checked with the stock lists maintained. I am satisfied (i) that all new supplies up-to-date have been correctly brought on to the stock lists, (ii) that stock lists are correct in all respects, (iii) that the articles in stock agree with the stock lists, (iv) that the sale proceeds have been properly accounted for, and (v) that sanction of competent authority exists for writing off all articles struck off the stock lists.

(f) On vacation of the building by the Cabinet Minister /Minister of State/Deputy Minister/ Speaker/ Deputy Speaker, etc. the Personal Assistants in charge should handover the furniture to the Sub-divisional Officer concerned.

III. PURCHASE AND SALE OF GOVT. BUILDINGS

(a) PURCHASE OF BUILDINGS

4.1.9. No building may be purchased for public purposes without orders of the Government in the Administrative Department. Proposal for such purchase should be accompanied by a survey and valuation report from the Divisional Officer concerned along with a valuation report of the land from the Collector of the districts.

The Divisional Officer under the administrative control of the Chief Engineer (Roads & Buildings) should furnish the above report in respect of buildings proposed to be purchased by a non-engineering Department.

(b) SALE AND DISMANTLEMENT OF BUILDINGS

4.1.10. Permanent public buildings borne on the books of the Divisional Office, whatever be their book value, if found surplus to the requirements of the Department concerned may be sold under the orders of Government in the Administrative Department. Proposal for such a sale should be sent to the Government in the Administrative Department along with survey and valuation report from the Divisional Officer concerned and a report on the value of land from the Collector of the district. The Administrative Department should ascertain from other Departments or Government whether the building is required for public purpose before according approval to the sale of building.

As regards permanent buildings belonging to non-engineering Department the Divisional Officer concerned under the administrative control of the Chief Engineer (Roads and Buildings) should furnish the survey and valuation report of the building to the concerned Department.

The above procedure should apply mutatis mutandis for dismantlement of permanent public buildings. (See also paragraphs 6.3.8 to 6.3.13).

4.1.11. Temporary building erected during the execution of work or purely temporary structures erected for any specific purpose may, on the completion of the work or when the purpose for which they were erected has been served, be sold or dismantled under the sanction of the Chief Engineer of the concerned Deptt.

It is the duty of the Divisional Officer to report, when in his opinion any building or other property of Government in his charge ought to be sold or dismantled, building or houses standing on the land acquired for the purpose of execution of public works and which have to be dismantled in course of such execution may be dismantled in the like manner as and when necessity arises.

IV. HIRE OF OFFICE ACCOMMODATION

4.1.12. (a) When it is necessary to hire a separate building for the accommodation of office of Divisional Officer, the amount of rent to be paid by Govt. will be fixed by the Superintending Engineer up to a maximum of Rs. 900 per mensem, any higher rent being fixed by the competent authority as per delegation of powers.

(b) In the case of a building hired for a Subdivisional Office, the rent to be paid will be fixed by the Superintending Engineer up to maximum of [Rs.300] per mensem, any higher rent being fixed by the competent authority as per delegation of powers.

(c) When a Sectional Office is necessarily accommodated in the Sectional Officer's residence (not being a Government building), the Sectional Officer may, under the sanction of the Superintending Engineer, be allowed a fair proportion of the rent actually paid for the house he occupies upto a maximum of Rs.120 per mensem based on the plinth area of space used for office purpose.

(d) Accommodation may be hired by the Superintending Engineer for storage facilities subject to the same maximum limits as fixed for the several offices in this paragraph, the amount indicated therein being the maximum for such storage facilities for each Sectional, Subdivisional or Divisional stores.

Note: The principles to be observed for hiring and accommodation for public purposes are laid down in Appendix XII.

4.1.13. (a) In exceptional cases where accommodation is to be hired, both for the officer and the office, the officer sharing the accommodation shall occupy as much area only as is surplus to office accommodation but not in excess of what is appropriate to his status according to the prescribed standards subject to a variation up to 5 per cent and pay rent on plinth area basis or at the rate of 7½ percent of Government servant's monthly emoluments whichever is higher subject to a maximum of 50 per cent of the total rent of the building. In such cases, prior permission of the Chief Engineer should be obtained.

(b) The Municipal Tax or Union Tax assessed on the annual value of the buildings in which office accommodation is provided or on the land appertaining to them should be treated as separate from the rent. At the time of hire of the building it should be decided who will pay such tax on the building. In case, where Government is to pay the tax, the Government's share of tax will be proportionate to the rent payable by Government. (See also paragraph 4.1.24).

V. PROCEDURE FOR CALCULATION OF FAIR RENT

4.1.14. The procedure for calculation of fair rent of private buildings taken on hire for public purpose is laid down in Appendix XIII.

4.1.15. The calculation of fair rent should be made afresh after a lapse of three years from the date of last sanction and or whenever the expenditure on additions and alterations exceeds the capital cost of the building by more than five per cent.

VI. RENTING OF BUILDINGS

4.1.16. It is the duty of the Divisional Officer in charge of buildings unless orders to the contrary exist in any special case, to endeavour to get tenants for public buildings not immediately required for Government use. Such tenants need not necessarily be officers of the Department to which the building is assigned. They may be officers of other Department or private persons. Residences, thus let, should generally be let from month to month, but a long-term lease in the prescribed forms may be given with the sanction of the Chief Engineer in case of non-residential buildings and with that of the Superintending Engineer in the case of residential buildings. A clause in the agreement should be added, when necessary, to enable the Divisional Officer to terminate the lease at short notice in case the building is required by Govt.

4.1.17. In cases where the responsibility of allotment of buildings borne on the books of Divisional Officer rest with an authority other than the Divisional Officer, the allotting authority should send an intimation to the Divisional Officer concerned to enable him to send rent rolls for the recovery of the rent.

In case where buildings are allotted to private persons the allotting authority should indicate the terms of allotment to the Divisional Officer so as to enable him to enter into necessary agreement and recover the rent in advance.

4.1.18. Public buildings let to private individuals should not be altered or enlarged at Government expense to suit the tenant and persons occupying public buildings on rent are prohibited from making any alteration even at their own expense, except with the express concurrence of the Divisional Officer in-charge of the building. The fact of any, additions or alterations being made by

the tenant, confers no right of ownership on him, nor can the fact of the occupancy having made additions or alterations at his own expense be considered as giving him any claim to a set off against or diminution of rent. These conditions should be entered in the agreement or lease. Where additions and alterations of capital nature have been made to any of the, buildings occupied by private individuals by any special order of competent authority, immediate steps should be taken to revise the rent payable, by the private individual. Otherwise as usual it should be revised on the expiry of five years from the date of last revision.

4.1.19. No public building in the charge of the Departments in-charge of public works may be occupied as a private residence except under the orders of the Superintending Engineer subject to the provisions of para 4.1.16.

4.1.20. Government buildings specifically meant for commercial purposes may be leased on tender basis (such as for running of restaurants etc.) In case the highest acceptable tender is less than the market rent of the building, the approval of the Superintending Engineer should be obtained.

Notes: (I) The Rules do not apply to buildings for which special Rules have been framed by Government.

(II) Areas earmarked in project areas for location of marketing centres may be temporarily leased out by the Divisional Officer concerned with a stipulation that the temporary lease is likely to be terminated as and when the same are otherwise required for the project.

4.1.21. On no account any church; chapel, mosque, temple, tomb or any other building devoted to religious use, should be occupied as a dwelling house or for any other purpose; without the consent of the persons interested and the sanction of the Collector of the District. No building or monument of historical or archaeological interests or the lands attached thereto should be used as, residence or for any other purpose without the special approval of Government. (See also paragraph 3.7.11).

4.1.22. When any public building is, under proper authority, let to a private person, company, club, association, Organisation or local body rent should be determined at the rates prevailing in the locality for similar accommodation owned by private persons but without the special orders of Government the rent charged should not be less than the standard rent calculated in the manner prescribed for Government servants in the Odisha Service Code. Where there is no privately owned building or house in the area comparable to Government owned building the rent of the Government building occupied by private parties should be determined with reference to the standard rent of the building, subject to the condition that the rent recoverable from a private party should not be less than the rent calculated in the manner prescribed in Rule 110 of Odisha Service Code. For this purpose (a) the actual cost of the building and the cost or value of the special services and installations such as sanitary, water-supply and electrical installation etc. are to be included in the capital cost, (b), the cost of the buildings shall include the cost of land and Departmental charges in force at the time of calculation of rent; (c) further addition for maintenance and repairs and for municipal and other taxes should be made at the rate indicated below :

(i) Two per cent of the cost of the building and four and half percent of the cost of the electric, sanitary and water-supply installation on account of ordinary and special maintenance and repairs, and

(ii) Municipal and other taxes such as latrine, lighting and holding taxes as per actuals. Besides the above, the private parties occupying Government buildings will have to pay charges for electricity and for consumption of water at the rates as decided by Government from time to time.

4.1.23. When any residential building belonging to the State Government is occupied by a private individual, rent should be recovered in advance at the rates to be determined under paragraph 4.1.22 of this Code but without the special permission of the Government the rent charged should not be less than the standard rent calculated in the manner prescribed for Government servants in the Odisha Service Code.

VII. TAXES

4.1.24. (a) Municipal Taxes on Government buildings, other than residences are payable by the Department occupying them and are debitable to that Department. Charges Which are levied as payment for services rendered, e.g. quantity of water or electric current supplied are paid by the occupant.

(b) By the provisions of Section 131 of the Odisha Municipal Act of 1950 the latrine tax, the water tax, the lighting tax and the drainage tax are assessed on the annual value of the holding, and by the provisions of Section 141 are payable by the owner. As laid down in Sub-clause(ii) of Clause (b) of Rule III of the OSC the tenant shall pay municipal and other taxes payable by Government in respect of the residence, not being in the nature of property tax. Recovery of such taxes will be made in accordance with the principles as may be decided by Government from time to time.

(c) Municipal rates and taxes leviable on residence~ of the Governor will be paid by Govt. and debited to "Maintenance on Repairs".

(d) No tax is leviable on public buildings in cantonments. The case of military buildings in municipal areas is covered by Army Regulations India.

(e) The responsibility for the acceptance of the assessment of Govt. building rests With the Divisional Officer in charge of the building. If the building is not borne on the books of the Deptt. charge of, public -works, the responsibility rests with the departmental officer concerned. If the assessment appears unduly high, proceedings should be taken to obtain redress under the ordinary municipal law and recourse should only be had to .the special provisions of Act XI of 1881 when an amicable (possibly arbitrary) settlement with the local authority has failed, in cases where the property to be assessed is from its nature such as not to admit of the application of the ordinary principles in assessing the payment thereon of any particular tax, e.g., when the assessment is on the letting value and-the property is of such a nature that it is difficult to conceive of its being let and impossible to form any estimate of the rent that would be obtained for it if the Government offered to let it.

(f) In any case in which a lump sum is paid for a number of buildings in a municipality, the taxes in respect of buildings occupied by a commercial Department should be debited to that Department, while those which pertain to buildings occupied by more than one non-commercial civil Deptt. should be charged to "265 - other Administrative Services - Rent, Rates and Taxes".

(g) Payment of taxes by Government Departments to local funds may be made in cash or by book transfer as may be decided by the Accountant General in consultation with the State Government.

(h) In cases in which the amount of tax payable to the municipality in respect of a building has to be borne partly by the Government officer occupying the building and partly by Government, the

tax will be paid in full by Govt. in the first instance and the amount payable by the officer will be recovered from him by Government.

VIII. SANITARY, WATER-SUPPLY AND ELECTRICAL INSTALLATIONS

4.1.25. All works and repairs connected with internal sanitary, water supply and electrical installation to Government buildings executed through the agency of Chief Engineer, (Roads and Buildings) should be carried out by the Public Health and Electricity. Wings of Chief Engineer (Roads. and Buildings) respectively.

Notes: (I) The external sanitary and water supply system is under the charge of Chief Engineer, Public Health Engineering.

(II) The Chief Engineers other than the Chief Engineer (Roads and Buildings) taking up construction of new buildings for use either for residential or non-residential purposes or for other purposes in project area should make necessary arrangements both for external and internal services to the buildings, in respect of sanitary and water supply installation and internal installation in respect of electricity.

(III) The Orissa State Electricity Board is responsible for the construction and maintenance of the electric supply system including service connections.

IX. BUILDINGS OF HISTORICAL INTEREST

4.1.26. All buildings and monuments of historical or archaeological interest borne on the books of Department in charge of public works should be carefully attended to and it will be the duty of Divisional Officers to arrange for a systematic annual or even more frequent inspection of the monuments in their Divisions and to keep the Superintending Engineers fully informed as to the condition of those monuments and to prepare estimates for their repairs as and when necessary.

X. INSPECTION OF PUBLIC BUILDINGS

4.1.27. The following procedure should be followed with regard to the inspection of all buildings borne on the books of Departments in charge of public works:

(a) Each Sectional Officer should maintain a register of inspection of buildings in the prescribed form for all the buildings in his charge.

(b) The Sectional Officer should inspect each and every building in his charge once in every six months. He should record the results of his inspection in the register and promptly bring to the notice of the, Sub-divisional Officer, any defect of a serious nature in any particular building. He should also inspect each residential building immediately after it is vacated in order to see that the quarters have been handed over in good condition.

(c) The Sub-divisional Officer will similarly inspect each building- in his charge once a year and record the results of his inspection in the register. He will take steps to rectify the defects brought to his notice by the Sectional Officer as well as those discovered by him during the course of his inspection. Subdivisional Officer will also bring to the notice of Divisional Officer concerned, any serious defect in buildings requiring his special attention.

(d) The Divisional Officer will inspect all the buildings where serious defects have been brought to his notice and also other important public buildings once a year and make sure that adequate steps have been taken to remedy the defects. The Divisional Officer should bring to the notice of the Superintending Engineer, cases where he has reasons to doubt the structural soundness of any building and the latter will take such action as he considers necessary.

(e) The Superintending Engineer should furnish to the Chief Engineer a complete report in the month of February every year, to the effect that all the buildings in the charge of his Circle have been duly inspected by the respective officers as prescribed above and suitable measures taken to

preserve them in good condition. He should also bring to notice any specific cases of buildings which he considers structurally unsound and unsafe.

(f) The officers responsible for public health and electrical installations should similarly inspect the installations according to the times schedule fixed above and furnish reports to their respective superior officers.

XI. REGISTERS AND PLANS OF BUILDINGS

(a) REGISTER OF BUILDINGS

4.1.28. Each Superintending Engineer will keep a register (in Schedule XXXVI - Form No. 78) of all buildings in charge of the Department within his Circle and each Divisional Officer a similar register of all the buildings within his Division. In these registers the value of the land comprised in a property will be shown separately from the value of the buildings thereon, the value of each structure being also shown separately. In the case of a purchased property the price paid will be apportioned among the various items comprising the property, e.g., land, main building, servants' quarters, compound well and well etc.

The capital value of any portion of the building which is abandoned or dismantled without replacement should be written off the total capital value of the building. In respect of residential buildings, the capital cost of which is written down for the purpose of assessment of rent under proviso (v)(2) of Rule 109 of the Odisha Service Code, both the actual capital cost and written down capital cost should be shown in the register.

(b) PLAN OF BUILDINGS

4.1.29. In case of buildings and works borne on the registers of the Departments in charge of public works, the Divisional Officer will be held responsible that plans of such buildings are corrected on completion of any alteration. (See para 3.12.5).

4.2. RESIDENCES FOR GOVERNMENT OFFICIALS

I. GENERAL

4.2.1. Residences may be built or purchased by the State Government for public servants:

(i) When it is the recognised duty or established custom of the Govt. to provide quarters at Government expense.

(ii) When it is necessary on public grounds for the officer to reside in or close to the premises in which his duties have to be performed such as a jail, a police-station, a school, a factory, a power house, irrigation works, receiving sub-station sites along the transmission lines, water purification plants or pumping stations etc.

(iii) When it is necessary to provide residence in parts of the country where no civil station or cantonment exists and where, a lengthened term or residence would render camp accommodation unsuitable e.g., buildings along lines of roads or canals or transmission lines, for the housing of official employed on their construction or maintenance.

(iv) When it is shown to the satisfaction of the State Government that suitable house accommodation for officers whose appointments are permanent in respect of locality is not available in civil station or cantonment already in existence, or is available only under circumstances which will be likely to place such officers in an undesirable position in relation to house proprietors.

II. LEASE OF BUILDINGS

4.2.2. (a) Before recommending the construction or purchase of a residence for a Government official, local and Departmental officers should always consider whether the requisite accommodation cannot more conveniently and economically be provided by taking an existing building on lease for such a term and on such conditions as may be appropriate. No such lease can, however, be entered into without the express sanction of the State Government. The present and future incumbents for whom accommodation is leased should pay as rent –

- (i) the sum payable to the lessor;
- (ii) when repairs are executed by Government the estimated annual charges for repair and maintenance; and
- (iii) if Government are liable to pay municipal taxes, the amount of such taxes.

Subject to the maximum of 10 per cent of the emoluments of the occupant or such lower percentage thereof as may be fixed by the State Govt. in respect of cases where Govt. provide accommodation under paragraph 4.2.1. He shall also pay such municipal taxes which by local rule or custom are levied on the occupant in addition to the rent payable to Government.

(b) Leases should ordinarily provide that the lessor will execute all structural repairs before the buildings is occupied and will carry out such additions, alterations and repairs as are necessary to render the buildings habitable and suitable for the purpose for which it is required. In the event of any addition or alteration to the building being made subsequent to the signing of the lease at the request of the occupant and at Government expense, to consent of the owner must first be obtained in writing unless the work is considered by the State Government to be essential for sanitary reasons and a written undertaking from the Government servant who requires the addition or alteration is taken to the effect that he will pay increased rent for such additions and alterations as under the following rules:

(i) If the lessor agrees to take over the work done on the expiry of the lease and to pay to Government the original cost of the work, less an allowance for deterioration, which should be fixed before the work is done, the occupant will be required to pay the following additional charges:

- (a) Six per cent the capital cost of the additional work
- (b) the percentage or amount fixed for deterioration
- (c) the annual estimated charges for maintenance and repairs of the additional work (if repairs are executed by Govt.).

(ii) If the landlord refuses to accept any liability for additional work, the rent payable by the occupant will be increased by a sum sufficient to cover during the period of the lease.

- (a) the capital sum expended including interest at six per cent.
 - (b) the annual estimated charges for maintenance and repairs of the additional work.
- The amount to be recovered monthly from the tenant should be fixed when the work is completed and should be distributed equally throughout the remaining period of the lease.

In case of (i) the capital cost will be held to be the total expenditure less half the amount which will be recovered on account of deterioration.

In case of (ii) the interest will be calculated on half the amount of the outlay.

(c) Capital expenditure under Sub-clause (ii) of Clause (b) should only be incurred when absolutely necessary, and capital expenditure under of either Sub-clauses should not ordinarily be incurred which will raise the rent of the leased building to an amount in excess of 10per cent of the average emoluments, if any, of the class of official who will usually occupy the buildings.

Note: This supplements Rule 110 (a) of the Odisha Service Code. See also Rule 111 of the Orissa Service Code for definition of emoluments and for application of percentage limit.

III. PROVISION OF RESIDENCES

4.2.3. All proposals to construct or purchase of a residential building for a Government servant should be accompanied by a provisional rent statement in the prescribed form. (Form No. 56 of Schedule XXXVI).

Similarly, in submitting proposals for the leasing of a residence, full information will be given regarding –

- (i) the sum payable to the lessor;
- (ii) whether all repairs will be executed by him; and if not;
- (iii) the estimated annual charge for maintenance and repairs if they are to be executed by Government.
- (iv) the amount of municipal taxes when payable by Government.
- (v) the standard rent of the residence as calculated according to paragraph 4.2.2. above; and
- (vi) the average emoluments of the officer for whom the residence is proposed and the maximum rent recoverable from him.

4.2.4. The Rules regulating the provision of residences for Government officials are laid down in the Fundamental Rules 45,45-A and 45-C and in the Supplementary Rules thereunder in respect of officers of All India Services and in Rules 104 to 115 of the Odisha Service Code in respect of all other Govt. servants under the administrative control of the State Government.

4.2.5. The subletting of an official residence may be permitted under the following conditions -

- (i) the sub-let should be to a tenant approved by the Superintending Engineer concerned as representative of Govt;
- (ii) the officer will still remain personally responsible for the rent for any damage caused to the building beyond fair wear and tear;
- (iii) the rent to be charged by the officer on his tenant should not under any circumstances, exceed the rent paid by the officer to Govt.; and
- (iv) Sub-tenancy should continue only for so long as the officer who makes the arrangement holds the appointment for which the official residence is provided and continues to occupy the residence.

Note: Compare Rule 111 (d) (ii), (4) and (5) of the Odisha Service Code and see S.R. 4 under the Fundamental Rules 45.

4.2.6. For the purpose of the Capital and Revenue Account wherever required Govt. buildings intended for occupation as residences by Govt. officials and others will be divided into two classes:

Class - I Buildings which will ordinarily be occupied by Government servants liable to pay the full standard rent subject to the limit of a prescribed maximum percentage of their emoluments.

Class - II Buildings from which the recovery of full standard rent is not expected, that is, buildings which will ordinarily be occupied by Government servants who are entitled to rent free accommodation or at reduced rate of rents under the Fundamental. Rule 45-A (v) or Rule 112 (i) and of the Odisha Service Code.

Note: The fact that a building of Class-I is occasionally occupied by a tenant who is entitled to rent free accommodation or at reduced rates will not justify its removal from Class-I to Class-II and *vice versa*; a building in Class-II should not be transferred to Class-I whenever it is occupied by a tenant who may be required to pay rent. Building should be transferred from one class to the other only when there is a permanent change in the conditions under which they will ordinarily be rented. Transfers should be made only under the orders of the State Government and should have effect in all cases from the commencement of a financial year.

4.2.7. Residences of any specified class may, if the State Government so direct, be omitted from the Capital and Revenue Accounts whenever such account is maintained. All other residential building including buildings which are occupied partly as office buildings will be included whether they were acquired or constructed at State Government expense or only leased for use as residences.

Ordinarily, residences falling under the following categories may be excluded from the Capital and Revenue Accounts:

- (i) residences for use of the Governor;
- (ii) buildings which are situated within the precincts of jails, hospitals, police lines, tehsils, educational institutions, provided that they are allotted rent free under the orders of Government to Government servants who are required to occupy particular houses in order to ensure the proper performance of their duties;
- (iii) buildings which are not intended to be used as regular residences, e.g., dakhungalows, rest houses, circuit houses, inspection bungalows and other buildings of like nature; and
- (iv) petty buildings the cost of which does not exceed Rs. 5,000 or any other limit which may be prescribed by Government.

4.2.8. A building should be brought on to the Capital and Revenue Accounts in the official year following that in which any of the events enumerated below has taken place, but if the event takes place on the 1st April the building should be brought on to the accounts of the same year:

- (a) its acquisition or construction was completed, or
- (b) it was leased, or
- (c) being a building already in existence it was first brought into use as a residence.

4.2.9. When under the rules of the State Government a number of residences in a particular area or of a particular class or classes is grouped for the purpose of assessment of rent, the collective results of all such buildings should also be brought out in the accounts.

4.2.10. In the case of houses purchased by Government, the capital cost will be the price actually paid for the property together with the amount of the works outlay incurred by Government in altering, restoring or improving the building. When there is no record of the actual price paid by Government for any building, its present value should be estimated by the Divisional Officer of the Division and approved by the Superintending Engineer and this estimate should be taken as the capital cost.

4.2.11. The average annual cost of maintenance and repairs will consist of two parts, special and ordinary charges -

- (i) Special charges will be those incurred in the renewal of floors or roofs; or on other special repairs or replacements occurring at long intervals. Provision for such charges should be made in the form of a percentage on the capital cost of each building, which will vary for different classes of buildings and will, in the first instance, be fixed for each class by the Chief Engineer. When repairs are necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity, the cost of such special repairs should be shown separately in the Capital and Revenue Accounts under revenue charges during the year, and should not be included in the total charges or taken into account as a basis for the revision of the rent.

Note: The cost of replacements or additions which really represent an increase in the value of a building will, to the extent of such increase, be chargeable to the capital cost of the building, the balance only being chargeable to special repairs. [See paragraph 3.1.2.(a)].

- (ii) Ordinary charges will include the cost of ordinary annual repairs together with a proportional share of the expenditure that may be required quadrennially or at other short intervals.

The amount of these charges will be estimated by the Divisional Officer and approved by the Superintending Engineer. Ordinary charges will also include the share of municipal taxes payable by Government. Municipal taxes which by local rule or custom are levied on the occupant will be payable by the occupant under paragraph 4.1.24 in addition to the rent payable to Government under these rules.

In estimating the average annual charges for maintenance, no percentage will be added on account of establishment or tools and plant, and the estimated annual cost of maintenance will be subject to reconsideration when necessary.

4.2.12. When a building is occupied partly as a residence and partly as an office for which no rent is paid, the capital value of the portion occupied as a residence should be separately estimated, for the purpose of assessment of rent. The cost of maintenance of the residential portion should also be separately estimated and accounted for.

Note: When (a) separate office accommodation is provided for the occupant and (b) the use of part of his residence for office or business purposes is optional, no deduction from the rent is permissible on this account.

4.2.13. Renewals of a building or of its subsidiary works such as out houses, drains, culverts etc. or new construction such as retaining walls, necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other calamity will be chargeable to the capital cost, but on completion, the State Government will decide what amount should be written, off the original capital cost. When a portion of a building is required to be dismantled to make room for alterations or additions, the capital value of the dismantled portion should be dealt with under paragraph 3.1.3.

4.2.14. When a building is rendered uninhabitable by reason of extensive repairs being in progress, or from any other cause, partial or total remission of rent may be sanctioned by the State Government on the recommendation of the Chief Engineer concerned provided that the occupant at once reports the circumstances to the Divisional Officer. The Divisional Officer will at once inspect the building or, where this is not possible, will depute a responsible officer to do so, and will submit a full report of the inspection to the Superintending Engineer, who will take action as considered necessary, and will then submit the case with his recommendations to the Chief Engineer. Special responsibility for avoiding delay attaches to cases in which an incoming tenant refuses to enter into occupation on the plea that white washing or repairs are necessary before he can do so.

Inconvenience caused by petty or ordinary annual repairs is insufficient to warrant remission of rent, which should be granted only when extensive structural repair justifying in the opinion of the State Govt. the vacation of the building, are carried out.

4.2.15. At stations where, owing to excess of accommodation or to other special circumstances, rent must unavoidably be assessed with reference solely to prevailing rates, special assessments may be made by the State Government except in the case of buildings, which have been constructed, purchased or leased as residences for officers holding particular appointments and which are occupied by the incumbents of such appointments. In the case of such buildings, reduced assessment should not ordinarily be made.

4.2.16. When a public functionary, not entitled to rent-free quarters, occupies a portion of his public office as a dwelling, the Divisional Officer, or officer in charge of collection of rent shall be authorised to claim rent calculated under paragraph 4.2.12.

IV. PROCEDURE IN THE CASE OF APPLICATIONS FOR REDUCTION OF RENT

4.2.17. All applications for sanctions to reduce the rents of Government buildings occupied as residences below the amounts which should be charged under the foregoing rules must be accompanied by a tabular form in which should be shown the under mentioned particulars –

- (i) Value of building and site.
- (ii) Average annual charges for maintenance,
 - (a) Special, and
 - (b) Ordinary
- (iii) Rent assessed according to rules.
- (iv) Proportion of total area occupied by office (if any).
- (v) Deduction on account of office rent (if any)
- (vi) Rent that would be payable by occupant.
- (vii) Rent that is proposed.

- (viii) Average emoluments of the occupant.
- (ix) Market rate for similar accommodation in the same station (to be given as far as practicable).
- (x) Average rent chargeable under these rules for other Government buildings with as nearly as may be, similar accommodation (to be given as far as practicable).

4.2.18. In all cases in which it is proposed to exempt an officer from the payment of rent, the under mentioned particulars should invariably accompany the application:

- (i) Actual or estimated value of the house and site.
- (ii) Rent chargeable under the rules.
- (iii) Emoluments of the official recommended for the grant of free quarters.
- (iv) Date from which it is proposed to grant the privilege of free quarters.
- (v) Specific grounds on which the concession is recommended.

4.2.19. Whenever a house is occupied free of rent or at a reduced rent by any Government official, the authority under which the exemption or reduction is made should, in every case, be communicated to the Accountant-General in order that he may enter it in the Capital and Revenue Accounts of quarters if submission of such account to the Accountant-General, Odisha is in force.

Note: The preparation of Capital and Revenue Account has been dispensed with by Govt. vide Works Department letter no. 17847 (5), dated 18-8-1969.

V. PERIODICAL REVIEW OF CONCESSIONS

4.2.20. In cases in which the grant of free quarters or of quarters at reduced rents has been sanctioned, Heads of Departments and the Chief Engineers may, should such concession appear to them for any reason to be no longer necessary, review such cases and recommend to Government the withdrawal of the concessions accompanied by data statements for sanction to the recovery of rent.

4.2.21. The practice of allowing public officers and others to occupy Government buildings rent-free, on the conditions of keeping them in repair, is prohibited. A rent fixed with reference to the value of the property should, in all cases, be demanded, and the repairs should be executed through the agency of the Departments in charge of the concerned building.

Note: This rule is not intended to prevent the State Government from exercising its discretion in regard to the transfer of Government buildings (which, though not immediately required for Government purposes it is not considered desirable to dismantle) to local bodies on terms which will ensure such buildings being kept in proper repair and secure the right of re-entry after proper notice.

VI. MISCELLANEOUS

4.2.22. A tenant, who is in receipt of pension from Government should be treated as a private individual for the purpose of these rules. But if he desires to make payments by deductions from his pension, recoveries from him may be made through the Treasury Officer or other disbursing Officer concerned, on the pensioner's furnishing the Divisional Officer with a written request authorising such deduction. This authority should be transmitted to the Treasury or Disbursing Officer with the first demand.

4.2.23. Where rent is recoverable in cash, a bill in suitable form should be sent to the tenant on or before the last day of each month. The tenant should be required to pay the rent before the expiry of the following month.

4.2.24. If a Government servant vacates his quarters before the last day of a month, owing to his departure on transfer, leave or retirement, he must forthwith report the date of vacating the quarters to the Divisional Officer. The demand for rent for the broken period should be made at once in order that the amount may be entered, in the last pay certificate in the case of officers transferred within the same audit circle or proceeding on leave in India. In cases in which an

officer is paid up to the day of making over charge, i.e., when retiring, proceeding to another audit circle or taking leave out of India, the Treasury Officer should take steps, to see that the rent for broken period is deducted from the officer's last pay bill.

4.2.25. Except as provided otherwise, pending orders on a representation against the Divisional Officer's assessment, the amount assessed must be paid by the tenants on demand. Should the representation prove successful, the excess amount charged should be adjusted as soon as orders are issued, by a reduction in the assessment of subsequent month, or if this is not practicable or convenient, by an actual repayment.

CHAPTER 5

MISCELLANEOUS RULES

MISCELLANEOUS RULES EXCLUDING ACCOUNTS PROCEDURE

5.1. INITIAL RECORDS OF ACCOUNTS

5.1.1. The initial records upon which the accounts of works are based are:

- (a) The Muster Roll including casual labour roll.
- (b) The Measurement Book.
- (c) The work-charged establishment bills.
- (d) The log book of machinery.

For works done by daily labour, the Muster Roll will show the work done and the amount payable on this account. For the piece work and for contract work generally the Measurement Book will form the basis of account. For work done by work-charged establishment, the bills will indicate the amount paid to work-charged establishment relating to a particular work. From the log books of machinery (in case of Departmental execution of a work or part of a work) the extract of the log book will indicate the hire charges debitable to the account of the concerned work.

Note: In respect of materials received in the store for stock, the detailed count or measurement or weightment should be kept in the Goods Received Sheets (C.P.W.A. Code; Form 8-A) and these sheets should be treated as very important account records. The instructions regarding making of entries in the Measurement Book apply *mutatis mutandis* to the entries to be recorded in the Goods Received Sheets as well as for goods purchased for specific works debited to 'Suspense Stock' of the works concerned.

I. MUSTER ROLL (NOMINAL MUSTER ROLL)

5.1.2. The Nominal Muster Roll (Schedule XLVI: Form No. 132) is the initial record of the labour employed each day on a work and must be written up daily by a subordinate in charge of the work. (See Appendix XIV for maintenance of Muster Roll).

II. MEASUREMENT BOOKS

5.1.3. The Measurement Book must be looked upon as a very important record, since it is the basis of all accounts of quantities, whether of work done by daily labour or by the piece work or by contract or of materials received, which have to be counted or measured. The description of the work must be lucid so as to admit of easy identification and check.

Detailed measurements may be dispensed with in the case of periodical repairs when the quantities are recorded in efficiently maintained standard Measurement Books.

Similarly, detailed measurements may be dispensed with in connection with works done on lump sum contracts, if a responsible officer (not below the rank of a Subdivisional Officer) certifies in the bill that by a rough measurement, he has satisfied himself that the value of the work done is not less than a specified amount in conformity with the contract agreement and that, with the exception of authorised additions and alterations, the work has been done according to the prescribed specifications.

Detailed measurements must invariably be taken in respect of additions and alterations.

Note: See Chapter II of C.P.W.A. Code.

5.1.4. When a Measurement Book is lost, an immediate report should be made of the facts of the case and this report must be promptly forwarded to Government together with the explanation of all parties concerned or responsible for the loss.

Immediate steps should also be taken to reconstruct the lost Measurement Book from the records available, if any, viz, previous bills. If this is not possible fresh measurement of works done should be taken immediately.

5.1.5. Subdivisional Officers should be required to submit the Measurement Books in use to the Divisional office from time to time so that at least once a year, the entries recorded in each book may be subjected to a percentage check by the Divisional Account under the supervision of the Divisional Officer.

Note: For detailed instructions see Appendix XV.

5.2. CUSTODY OF CASH

I. GENERAL

5.2.1. Public money in the custody of the Department should be kept in strong iron or steel chest and secured by two locks of different patterns. Whenever a cashier is attached to a Division or Subdivision, the key of one of the locks of the chest will necessarily be kept in his possession and the key of the other lock shall be kept with the Divisional Officer or the Subdivisional Officer. The chest should never be opened unless both the custodians are Present. The duplicate keys of the Divisional or Subdivisional cash chest should be placed in the custody of the nearest Treasury Officer in the jurisdiction of the Division concerned, under the seal of Divisional Officer or Subdivisional Officer. A duplicate key register should be maintained in the form prescribed and once a year, in the month of April, the keys should be sent for, examined and returned under fresh seal, a note being made in the register to the effect that they have been found correct. When there is a police guard, the Havildar or other officer of the guard should always be present when a treasury chest is opened and until it is again locked.

II. RESPONSIBILITY OF GOVERNMENT

5.2.2. Gazetted Government servants in charge of public works, who are stationed at places where there are no treasuries, may utilise the services of treasury guards, if any, attached to their offices, for encasement of bills relating to their personal, claims and Government will accept responsibility for any loss caused by the act of the guard, if the Gazetted Govt. Servant is not at the station where money is drawn.

Note: This is an exception to the general rule that Government accept no responsibility for any fraud or misrepresentation in respect of money or cheque or bills, made over to a messenger.

5.3. CASHIERS

5.3.1. Save where a post of cashier for a Division is specifically sanctioned, one of the Upper Division Clerks working in a Divisional Office kept in charge of the cash is called Cashier.

Cashiers and other subordinates of the Department, whether appointed permanently or temporarily and entrusted with the custody of cash or holding charge thereof, must furnish security, the amount being regulated according to the provisions in Appendix XVI of this Code except in case where they are regulated by any general or special orders of the State Government. The Superintending Engineer will regulate the realisation of security according to the rules set forth in the above appendix.

Note: The following are the minimum precautions which should be observed by all officers for safeguarding the Govt. money while in transit in the normal circumstances. In abnormal cases, i.e. disturbed conditions or where money has to be transferred to long distances, the officers will use their judgment to take additional precautions as may be necessary.

For sums below Rs. 500, a single permanent peon may be employed. (Cashier where there is no permanent peon).

(ii) For sums between Rs.500 and Rs. 5,000 a permanent clerk accompanied by a peon should be employed. (Cashier if there is no permanent clerk).

(iii) For sums between Rs. 5,000 and Rs. 20,000, two clerks or the, Divisional Head Clerks. In case of circle and Chief Engineer's office, Head Clerk of the Superintending Engineer's Office or the Superintendent of the Chief Engineer's office accompanied by one or two peons should be employed.

(iv) For sums above Rs. 20,000 special arrangements should be made for escorting money invariably by armed police from the bank or Treasury.

(v) Similar arrangements should be made while remitting money from one office to another or Treasury.

5.3.2. The Divisional Officer/ Sub-Divisional Officer will count the cash in the hands of cashier or cashiers at least once a month. In the case of outstations, the Divisional Officer/the Subdivisional Officer will count it whenever he may visit them. He will on such occasions record a note, in the Cash Book in his own hand showing the date of examination and the amount (in words) found on verification. In this connection the provisions of Chapter 6 of C.P.W.A. Code should be strictly followed.

5.4. STORES

I. GENERAL

5.4.1. The stores of the Departments in charge of public Works are divided into the following classes:

(i) Stock of General Stores.

(ii) Tools and Plants.

(iii) Road Metal.

(iv) Materials charged direct to works.

Unless there are orders to the contrary, the officer in charge of a Subdivision will be responsible for all the stores belonging to it.

Subject to the overall responsibility of the Subdivisional Officer, the Sectional Officer will be responsible for all the stores belonging to the Section.

Junior Engineers and Assistant Engineers, Store-keepers and other subordinates of the Department, whether appointed permanently or temporarily or borne On work-charged establishment and entrusted with the custody of stores or holding charge thereof, must furnish security, the amount being regulated according to the provisions in Appendix XVI of this Code, except in cases where they are regulated by any general or special orders of the State Government. The Superintending Engineer will regulate the realisation of security according to the rules set forth in the above appendix.

Notes: (I) A contractor should not be asked to take delivery direct from a firm of articles required for a work as it may lead to fraud.

(II) 'Tools and plant' also include furniture and other fixtures like air coolers, air conditioners, water coolers, etc. provided by the Deptt. in charge of public works by charging the cost thereof direct to the work if they fall under the category of special T. & P. contemplated in Para, 7.3.1. (b) of Central Public Works Accounts Code.

(III) The rules for fixation of hire charges of machinery and vehicles etc., may be seen in Appendix XVII.

5.4.2. (a) The Divisional Officer is responsible that necessary arrangements are made throughout his Division for the proper custody and management of public stores.

(b) He should see that proper storage accommodation is provided for different types of stores. He must take proper precaution to prevent the loss of public stores by fire, accident, theft or deterioration.

(c) He must take care to keep all the tools and plant in working orders.

(d) The Divisional Officer should see that the stores procured earlier are used first so that deterioration can be avoided. Special care should be taken to prevent deterioration of cement bags.

(e) The Divisional Officer should review the stores position periodically and take steps to dispose of surplus stores by transfer or sale, as the case maybe.

5.4.3. Every officer is bound to take charge of Departmental stores which, from the death or departure of the person lately in charge, or from any other cause, may be left at or near his station without adequate protection.

II. ACQUISITION OF STORES INCLUDING TOOLS AND PLANT

5.4.4. The general rules for the procurement of articles required for public workers as laid down in Appendix VI should be followed, Procurement of stores must be made in the most economical manner in accordance with definite requirement or works. In assessing such requirements care should be taken to take into account the work load of the Division, actual requirement of material for the works, the existing stock of materials already in hand and the fresh procurement which is necessary.

5.4.5. The article classified under Tools and Plant can only be purchased of manufactured on estimates sanctioned by competent authority.

Notes: (I) Furniture including cycle required for use in the offices or for the officers of the Department in charge of Public Works will not form part of tools and plant. They will be chargeable to 'office expenses' and the purchase thereof is regulated by the normal rules laid down in the Orissa General Financial Rules and other circulars issued by the Govt. from time to time.

(II) Furniture required for Inspection Bungalows or residences to be furnished by the Department will, however form part of the register of Tools and Plant and are chargeable to 'Furnishings'.

(III) It is incumbent upon the head of the office concerned, i.e., Superintending Engineer or Chief Engineer to entrust one responsible officer with the work of maintaining the register for the Tools and Plant brought on transfer from the Divisions for use in his office.

(IV) The proposal for reserve stock limit shall be furnished at the beginning of each financial year supported by the data, viz. actual receipts and issues under sub-head of stock during the preceding three years, requirements for the current year with reference to work load etc.

III. STOCK-TAKING

5.4.6. Divisional Officers are to have stock taken throughout their Divisions at least once a year.

5.4.7. It is not necessary that all the stores of a Division or even of a Subdivision should be checked and counted at the same time, and the stock taking may be arranged so as to go on gradually in the manner most convenient to the officers concerned. It is however, essential that

the greatest possible precision and accuracy should be maintained in the store -returns, and the Divisional Officer should make such arrangements as are calculated to secure this result and Superintending Engineers are responsible that this is done. The dates on which articles are taken stock of are to be entered in the store returns.

When the stock of an article is scattered in a Subdivision it may not be possible to test the aggregate book balance of any article for the Subdivision by an actual verification of all the stocks of it at the same time. In such cases, the various stocks of each article in charge of Sectional Officer should, as far as possible, be verified at or about the same time.

5.4.8. Important stores should, as a rule be counted by a member of the engineering establishment, but this duty may be entrusted to a Subordinate handling the receipts and issues of stock in a Subdivision. The Superintending Engineer, when he thinks proper, may depute an officer from one Division to aid in the stock taking of another. Whenever it is possible, verification should be entrusted to an officer independent of and unconnected with the staff responsible for the custody of the stores and it should also include a certain amount of surprise check.

5.4.9. All articles of stock (excluding tools and plant) which are not likely to be required during the following twelve months, should be reported to the Divisional Officer who will, if necessary, take the Superintending Engineer's orders as to their disposal.

5.4.10. The procedure for verification outlined in the foregoing rules is suitable primarily for Divisions executing ordinary works. In the cases of special stores, depots or Divisions, or of construction Divisions where there may be a large concentration of stores, more frequent verification of stores should be arranged in addition to the prescribed Periodical verification.

Note: The detailed procedure for verification of stores is laid down in Appendix XVIII.

5.4.11. The results of all verifications of stock should be reported to the-Divisional Officer for orders, but as soon as a discrepancy is noticed the book balance must be set right by the verifying officer with a suitable remark.

5.4.12. The Divisional Officer should report to the Superintending Engineer, Chief Engineer, Government, Accountant General and Senior Deputy Accountant General (Works), the fact of completion of the verification of stores at the close of every financial year.

IV. DISPOSAL OF STORES

(a) Loss of Stores

5.4.13.The Divisional Officer should in case of theft, loss or destruction by fire or otherwise of public stores submit a report to the Superintending Engineer who will, if necessary, report the matter to the Chief Engineer for orders.

Simultaneously, report should be made to audit of all losses involving an amount in excess Rs. 500 in each case. In case of serious losses, the Divisional Officer should hold a departmental enquiry and record the evidence and his findings as regards responsibility and culpability of the persons concerned.

A copy of the report should also be sent to the officer competent to write off loss.

Note: Losses arising out of ordinary depreciation need not, however, separately be reported to audit.

5.4.14. An immediate report of the loss of stores must also be made to the police and prompt and proper steps should be taken for the recovery of the property. When an enquiry is held either by the police authorities or others, the Divisional Officer must obtain and forward as soon as possible, to the Superintending Engineer a copy of the report.

(b) Sale of Stores

(i) GENERAL

5.4.15. Stock materials when sold to other Departments or public undertakings, 10 per cent supervision charges should be realised, in addition to the value of stock including storage charges

in all cases. The supervision charges may, however, be waived by the Superintending Engineer, if in his opinion the stock would, otherwise be unsalable.

Notes: (I) No supervision charges are leviable in case of issue of materials from one Division to another Division under any wing of public works in the State.

(II) Supervision charges are leviable on sale of tools, plant and machinery to other Departments and public undertakings etc.

(II) SURPLUS AND UNSERVICEABLE STORES

5.4.16. (a) At the end of each financial year lists of surplus stores, if any, should be prepared by the Divisions of the respective wing and circulated to all the Divisions under the particulars Chief Engineer-and to all the Superintending Engineers of other branches of public works in the State.

(b) It will be the duty of the Divisional Officers and the Superintending Engineers to see that all the articles shown in the surplus lists of the several Divisions circulated are used to the best advantage of Government as early as possible, in the Divisions under their control.

(c) If any of the surplus stores cannot be utilised by issue to other Divisions or otherwise within a period of one year from the date of despatch of the surplus list, the Divisional Officer concerned should take action immediately to have the articles sold by public auction or/by calling for tenders with the sanction of competent authority.

5.4.17. When stores (including tools and plant) of any kind become unserviceable, a report thereof must be made in the survey report form; this should be done at once on discovery of the fact as it is desirable to avoid keeping worthless materials on stock. In the report all proper explanations must be given, and the period during which the articles have been in store or in use should be stated along with the cause of deterioration.

5.4.18. Sale of public stores to private persons or bodies, otherwise than by public auction is prohibited, except to the extent indicated under Para. 6.3.7 (e) Where the quantity of material is not large enough, it may be disposed of by calling for sealed tenders in accordance with the procedure prescribed for calling and acceptance of tenders.

A commission up to 5 per cent of the upset price of the stores may be allowed to recognised auctioneers employed for conducting the auction with the prior approval of the Superintending Engineer.

Note: The procedure for disposal of surplus and unserviceable stores by auction is laid down in Appendix XIX.

5.4.19. Ordinance stores not required by a Public Works Officer must be returned by them to the nearest depot by previous arrangement.

V. MATHEMATICAL INSTRUMENTS

5.4.20. All new instruments required for the Departments in charge of public works which have been provided for in a sanctioned estimate, should be obtained by indent from the National Instruments Factory, Calcutta, except to the extent mentioned in the note below. That factory issues, at convenient intervals, a complete price list of all instruments available and a copy of this should be in every Divisional Officer's possession. It can be obtained, if required, from the officers in charge of the National Instruments Factory, Calcutta. When the cost exceeds Rs. 50, all indents on the National Instruments Factory, Calcutta, should be accompanied by a certificate by the indenting officer to the effect that the supply of the articles detailed therein is covered by a sanctioned estimate, and the specific reference number of the instruments shown in the price list of that office should always be quoted in such indents. Instruments requiring repairs should ordinarily be sent to the National Instruments Factory, Calcutta or to the depot from which they were supplied for the purpose unless there is any Government workshop more conveniently situated where the repairs can be properly executed or, in cases of urgency the work may be entrusted to a local firm.

Every Superintending Engineer shall keep an up-to-date list of surveying and mathematical instruments in his circle and will review the list once a year. He should submit a certificate to this effect to the Chief Engineer in June every year that he is satisfied that the instruments are being maintained in good serviceable condition and that no instruments is-being kept in excess of requirement. Instruments surplus to the requirements of the Department may, at the discretion of the Superintendent of the National Instruments Factory, Calcutta be received back by him with his prior approval on such terms and conditions as may be prescribed from time to time.

Note: The provisions contained in this para do not debar the Superintending Engineer from inviting competitive Quotations from reputed firms dealing with such instruments. If the Superintending Engineer finds that the instruments quoted by the private firms are comparable in quality with those obtainable from the National Instruments Factory, Calcutta the cost is less and the terms and conditions of supply are favourable he may purchase mathematical instruments from such firms.

5.5. STORE-KEEPER

5.5.1. (a) When the stores are sufficiently extensive, a Storekeeper will be appointed to be in charge of them. The Storekeeper will have nothing to do with the disbursement of cash; the supply of materials or the preparation of bills. His duties will be confined to the custody, preservation and issue of the store under his charge, and to the keeping and maintaining the required returns and quantity accounts relating to them.

(b) Junior Engineers and Assistant Engineers, Store Keepers and other subordinates of the Department whether appointed permanently or temporarily or borne on work charged establishment and entrusted with the custody of cash or stores or holding charges thereof must furnish security, the amount being regulated according to the provisions in Appendix XVI of this Code except in cases where they are regulated by the general or special orders of the State Government. The Superintending Engineer will regulate the realisation of security according to the rules set forth in the above appendix.

5.6. RULES FOR DEPARTMENTAL WORKSHOP

5.6.1. Departmental workshops may be treated as distinct Divisions or Subdivisions or they may form a portion of a Subdivisional charge depending on the work load.

5.6.2. Ordinarily no work is to be undertaken in a departmental workshop for other Divisions or other Departments. However, jobs of other Divisions or Departments may be undertaken provided that such execution does not interfere with the normal working of the Deptt. and that estimated cost of the job including supervision charges etc., calculated as per the Rules in, force is deposited in advance.

5.6.3. The Departmental officer empowered to order execution of deposit works may authorise execution of work required by a municipality, other local bodies and public undertakings in the departmental workshops, provided that the estimated cost of the job, including all charges for supervision, etc. that may be leviable under the Rules for the time being in force, has been deposited in advance with the concerned officer and provided further that this does not interfere with the work of the Department. In all cases, prior to the work being put in hand, and undertaking should be obtained from the party concerned that it will not hold the Department responsible for loss by fire or theft or any other factor which could not be foreseen when the estimate was prepared. In cases where it is found that the original estimate is likely to be exceeded appreciably, a revised estimate should be prepared and the extra cost involved should be obtained from the party before completion of the job.

Note: (I) The Rules for Jobra Workshop are given in Appendix XX.

(II) Similar Rules may be framed for other workshops and Government approval in the respective Administrative Department obtained before they are introduced.

5.7. TRANSFER OF CHARGE

I. GENERAL

5.7.1. An officer must not delay in making over charge after the arrival of the relieving officer nor must he, without medical certificate or the permission, of his immediate superior officer, leave the station before the arrival of his successor.

5.7.2. The relieving officer will take up the expenditure of cash and stores from and for the first day of the month during which the relief takes place, and submit the next monthly accounts in the same manner as if he has been in charge during the whole month. But the relieved officer remains responsible that proper explanation is forthcoming for transactions during his incumbency.

5.7.3. If the relieving officer fails to bring to notice within three months any deficiency or defect in work or stores taken over from his predecessor, he will be held responsible for the same, both as to quantity and quality as far as he was in a position to ascertain it.

5.7.4. In the case of any sudden casualty occurring or any urgent necessity arising for an officer to quit the Division, Subdivision or work to which he is posted, the next senior officer of the Department present will take charge. When the person who has taken charge is, not a gazetted Government servant, he must at once report the circumstances to his nearest Departmental superior and obtain orders as to the cash in hand if any.

5.7.5. A register of incumbents of charges should be kept in every Divisional Office showing the period of incumbency of each officer who has held charge of the Divisional and of the several Subdivisions and in each Subdivisional Officer, a similar register of the incumbents of that Subdivision and of the several sections.

II. DIVISIONAL OFFICERS AND SUBDIVISIONAL OFFICER

5.7.6. In the case of transfers of Divisional and Subdivisional charge the cash book or imprestaccount should be closed on the date of transfer and a note recorded in it, over the signature of both the relieved and relieving officers, showing the cash and imprestbalances and the number of unused cheques, made over, and received in transfer by them respectively. A copy of this note, together with the following documents, should be forwarded the same day to the Superintending Engineer in the case of Divisional charges or to the Divisional Officer in the case of Subdivisional charges:

- (a) Transfer report, Schedule XXXVI-Form No. 82 being used in the case of Subdivisional charges.
- (b) Receipt of stock, tools, and plant and other stores under the immediate charges of the relieved officer, Forms A and B. Prescribed hereunder being used for Divisional and Subdivisional charges respectively.
- (c) A detailed report on the state of survey and mathematical instruments. In the case of transfer of Divisional charges, this report should be in respect of instruments at headquarters only.
- (d) The receipts of cash and stores balances should be prepared, by the relieved officer, but the relieving officer should note any inaccuracy therein so that the Superintending Engineer or the Divisional Officer as the case may be, may pass such orders in respect of any deficient article as may be necessary. A copy of the receipts may be given to the relieved officer if desired by him.

FORM A

Received in transfer from former Divisional Officer Division; the stores in his personal charge as detailed in the annexed list.

The balance returns of stock and tools and plant in charge of all Subdivisional Officers for the half year and year ending respectively are on record and the Divisional stock returns have been prepared up to the end of

(Station and date)

*Reliving Divisional Officer
..... Division*

FORM B

*Received in transfer from former officer in charge..... Subdivision, the stock and tools and plant which have been in his personal custody, as detailed in the last balance return and accounts of receipts and issues to date. The returns for the year ended..... the half year ending and for the month of for the whole Subdivision have been submitted to the Divisional Officer and the account of daily receipts and issues for the current month has been written up-to-date.
(Station and date)*

Reliving Sub-divisional Officer

..... Sub-division.

5.7.7. The relieving officer should then, unless otherwise ordered, proceed with the relieved officer to inspect the records, cash, stores, works and materials at site of works, in charge of subordinates, but in the case of the transfer of a Divisional charge, the relieved officer should accompany the relieving officer in the inspection of the outstations only when so directed by the Superintending Engineer. The relieving officer should examine the accounts, count the cash, inspect the stores, and count, weigh and measure certain selected articles, in order to test the accuracy of the returns, and should minutely examine the works in progress as to their quality and as to their accordance with the sanctioned plans and estimates. He should also record his opinion as to the correctness of the accounts of materials at site.

5.7.8. The relieved officer should further give the relieving officer a list and memorandum showing all the works in hand and the orders remaining to be complied with and of such matters as particularly require his attention, with full explanation of any peculiarity of circumstances or apprehended difficulties. He should also furnish the relieving officer with a complete statement of all unadjusted claims, with the reasons for their not having been adjusted in due course and report as to any complication likely to arise owing to their non-adjustment.

5.7.9. The relieving officer, in reporting that the transfer has been completed, should bring to notice anything irregular or objectionable in the conduct of business that may have come officially to his notice. In the case of the transfer of a Divisional charge, he should describe the state of the records, cash, stores and works mentioning what outstations he has yet to inspect and when he proposes to visit each.

5.7.10. The relieving Divisional Officer should mention specially in his transfer report whether the accounts may be considered fairly to represent the progress of the works.

5.7.11. In the case of the transfer of a Divisional charge the report of completion of transfer should, except in special circumstances, be submitted within a fortnight of such transfer. In the case of any disagreement between the relieved and relieving officers a reference should be made to the Superintending Engineer. The fact of taking over charge should immediately be reported as soon as the transfer is completed to the Superintending Engineer and to the Audit Office.

5.7.12. The transfer report of a Divisional, Subdivisional or Sectional charge should be scrutinised in detail in the Divisional Office. If the report reveals any discrepancy in the accounts of stock, tools and plant etc., expeditious steps should be taken to see right the accounts within a month of receipt of the charge report. In case of deficiency or defects in stores, tools and plant or works the matter should be taken up with the relieved officer immediately and if he fails to comply with the requirements within a fortnight, the matter should be brought to the notice of the Superintending Engineer for orders.

5.7.13. The transfer report of a Subdivisional charge should, on receipt by the Divisional Officer, be scrutinised by him, any remarks necessary being entered in the column provided for that purpose. The report should then be forwarded to the Superintending Engineer, who after passing such orders as may be necessary, should return it to the Divisional Officer for record, in the Divisional Office.

5.7-14. In the case of a Divisional or Subdivisional charge becoming vacant by the death or sudden departure of the officer in charge, the succeeding officer should take action as above prescribed and assume charges forwarding to the Superintending Engineer or Divisional Officer as the case may be, the receipts of which would otherwise be given to the relieved officer.

5.7.15. On receipt of the joining report from the relieving officer, if the officer under orders of transfer fails or refuses to handover charge within the prescribed period, the relieving officer should report the matter to his immediate superior officer who should investigate into the matter immediately and arrange for transfer of charge if he is satisfied that there is no sufficient reason for delaying the handing over or the charge. In such cases the transfer report of charge should be countersigned by the superior officer and a copy thereof sent to the relieved officer for necessary action. If the handing over is delayed for reasons beyond the control of the relieved officer, extension of time as considered necessary should be applied for to the competent authority.

Note: Ordinarily the following periods should be considered reasonable for transfer of charges of the units concerned. -

- (a) Divisional Charge - 2 days
- (b) Subdivisional Charge - 5 days
- (c) Sectional Charge - 3 days

When in any Subdivision or Section, important works are in progress or where there is heavy stores, the period of transfer of charge may be extended under the orders of Superintending Engineer.

III. OTHER OFFICERS

5.7.16. In the case of transfer of charges other than Divisions and Subdivisions, the Divisional Officer should issue instructions as to the works to be jointly inspected by the relieved and relieving officers.

Note: In the case of transfers of charges of sub-divisions and sections, detailed list of the components parts of heavy plant and machinery should always be included among the transfer papers and, that if for any reason, it is not possible to verify these lists at the actual time of transfer, they should be verified immediately afterwards by the relieving officer, who, in case of any avoidable delay, will be held responsible for any deficiency.

5.8. RECORDING OF PLANS AND DRAWINGS

5.8.1. A Divisional Officer must keep on record in his office the following plan or such of them as are required in his Division:

- (i) Copies of all standard plans of buildings.
- (ii) Complete plans, Sections and elevations of every building under his charge, as actually constructed, any departure from sanctioned design being carefully noted. The boundaries of the grounds attached to any buildings should be distinctly shown.
- (iii) Plans of roads under his charge showing the quarries whence metal is obtained.
- (iv) Detailed drawings including foundations, where practicable of all bridges and other works in the Division as actually constructed, any departure from sanctioned design being carefully noted. The boundaries of the ground attached to any building should be distinctly shown.
- (v) Complete plan of all drainage works classed as such under the Canal Act.
- (vi) Longitudinal Sections of All main and branch canals and their distributaries.
- (vii) A map showing the alignments of all main and branch canals their distributaries.
- (viii) Plan of arrangement of equipment-
 - (a) on the site of buildings (outdoor)
 - (b) inside the buildings (indoor)
- (ix) Plan of equipment-
 - (a) Assembly

- (b) Details
- (c) Wiring diagrams
- (x) Extra high-tension transmission lines-
 - (a) Completion plans
 - (b) Detailed designs
- (xi) High tension transmission line-
 - (a) Route plan
 - (b) Line designs
- (xii) Sub-station layout documents).
- (xiii) Local distribution-
 - (a) Layout plans
 - (b) Line designs
- (xiv) Plans of railway crossing (for Electrical Branch)
- (xv) Plans of Electrical Branch (head works including river training and protective Works.)
- (xvi) Longitudinal Section of tunnel including adits.
- (xvii) A map showing the alignment of tunnel and adits.
- (xviii) Plans and elevation of pipe lines; high level tanks and water towers.
- (xix) Plans and elevation of power house.

(Specification should also be mentioned in these

5.8.2. In Circle Offices the following record plans should be maintained:

- (i) One copy of the record plan of every dam including its appurtenant works and canal head works including all river training and protective works.
- (ii) One copy of the record plan of every masonry work on a main or branch canal and of every other masonry work costing more than Rs. 10,000.
- (iii) One copy of the longitudinal section of every canal, distributary, drainage, power or navigation channel.
- (iv) Maps of district and civil stations in the State concerned linear maps of the principal lines of roads in the State.
- (v) Copies of all standard plans of buildings.
- (vi) Copies of plans of all important bridges.
- (vii) Copies of plans of all important buildings.

Note: Superintending Engineers and Divisional Officers should keep these maps in so far as they relate to their respective charges corrected up to-date.

5.8.3. In the Chief Engineer's Office the following record plans will be maintained:

- (i) One copy of the record plan of every dam including its appurtenant works and canal head works.
- (ii) One copy of the record plan of every important masonry work on a main or branch canal.
- (iii) One copy of the longitudinal Section of every main and branch canal, power and navigation channel.
- (iv) Maps of districts and civil stations in the State.

- (v) Copies of all standard plans of buildings.
- (vi) Copies of all important bridges.
- (vii) Copies of all important-building

Note: Plans mentioned in items (viii) to (xix) under paragraph 5.8.1. should also be kept on record in the Chief Engineer's and Superintending Engineer's offices and those mentioned in items (viii) to (xiv) ibid should be kept in the Electrical Subdivisional Offices.

5.8.4. All record plans must be kept up-to-date and it will be the duty of the Divisional Officer to forward completion plans of all additions and alterations to the Superintending Engineer for correction of the Circle Office copies. Similarly, the Superintending Engineer is responsible that

such plans are forwarded to the Chief Engineer's office for correction of the record plans maintained there.

5.9. DESTRUCTION OF RECORDS

5.9.1. (a) Rules dealing with classification and destruction of correspondence and other records have been prescribed in the Odisha Records Manual, 1964.

(b) The rules relating to the destruction of official records connected with accounts in general are contained in Rule 289 of the OGFR, Vol. - I read with Appendix-19 in Volume-II of the said Rules.

(c) The periods of preservation of accounts records in Public Works Offices referred to in Note-2 to Appendix-19 of the Odisha General Financial Rules, Volume-II have been prescribed in Appendix XXI.

C H A P T E R 6

P O W E R S O F S A N C T I O N O F G O V T . A N D O F F I C E
R S O F

D E P A R T M E N T I N C H A R G E O F P U B L I C W O R K S

P O W E R S O F S A N C T I O N O F G O V E R N M E N T A N D O F O F F I C E R S O F
D E P A R T M E N T S I N C H A R G E O F P U B L I C W O R K S

6.1 GENERAL

I. FUNDAMENTAL CONDITIONS

6.1.1. The Government of Odisha exercise, by virtue of the provisions of the Constitution of India, full powers of sanction, regard to State Public Works expenditure (other than that incurred in connection with the residences of the Governor and has invested the authorities subordinate to it with powers in respect of that expenditure by means of rules-and delegations which, except in regard to certain Establishments and connected matters, are detailed in this Chapter.

Note: The rules in connection with the expenditure on the residence of the Governor will be found in Appendix XXII

6.1.2. The essential conditions which must be fulfilled before commencement of execution of any public works are as detailed in paragraph 3.7.1.

Note: If there is unavoidable delay in according administrative approval to a work, Government may authorise commencement of work in anticipation of administrative approval in exigencies of public service, but in such cases, administrative approval should be accorded within three months from the date of issue of such authorisation.

II. COMMENCEMENT OF WORKS IN ANTICIPATION OF DETAILED ESTIMATES OF THE COMPLETE PROJECT

6.1.3. Ordinarily, work on a project should commence only after technical sanction to the detailed estimate of the project is accorded by a competent authority. In a major project when it is not immediately possible to prepare detailed designs and estimates for all the component parts of the entire project, the authority competent to accord technical sanction to the project estimate as a whole may permit commencement of works on component parts of the project, subject to the following conditions:

- (i) That the component parts in question can be appropriately commenced without affecting or being affected by any other part of the project technically, financially or otherwise.

- (ii) In the administrative approval for the project as a whole, there must be a clear and specific amount corresponding to the work of component part in question.
- (iii) The detailed estimates are approved by the authority competent to accord technical sanction to the project estimate as a whole and have been sanctioned by a competent authority.
- (iv) The amount of detailed estimate must not exceed the amount of the item or component part included in the administrative approval by more than 10 percent (in case-of residential building by not more than 5 percent over the admissible outlay) provided further' that where the administrative approval indicates provision by sub-heads, the authority competent to accord technical sanction to the estimate of the project as a whole should see that the amount of detailed estimate sanctioned against individual sub-head is not likely to exceed the approved amount by more than 10 percent (5 percent in case of residential building.)
- (v) The authority competent to accord technical sanction to the project estimate as a whole is satisfied, before according approval or sanction, as the case may be, that the amount of the technical sanction for the whole project is not-likely to exceed the amount of the administrative approval by more than 5 percent.

Notes: (I) The detailed estimate sanctioned for a component part of the project will be treated as an independent work in the accounts for all purposes.

(II) This rule does not apply to estimates for parts of a building project unless preliminary estimates for administrative approval indicate the particular items specifically.

6.1.4. To obviate delay in commencing work on a detailed estimate for a complete project which has been prepared and submitted for technical sanction, but which requires minor amendments in the design or estimate, the sanctioning authority should adopt any of the following courses –

- (i) Amend the design or estimates in his own office and sanction it, or (ii) sanction the parts of estimates which are approved, subject to conditions (i), (iv) and (v) of paragraph 6.1.3 and call for amended detailed estimates for the other portion of the project.

6.1.5. In communicating the sanctions to parts of projects accorded under the provisions of paragraphs 6.1.3 and 6.1.4, the sanctioning authority should also intimate to Audit the amount administratively approved for the corresponding part of the- project.

Note: A provision slip indicating the up-to-date amount of estimates sanctioned and the amount available under the sub-head for sanction shall be attached to every detailed estimate.

III. PROJECTS TO WHICH SANCTION OF GOVT. OF INDIA IS REQUIRED

6.1.6. Project falling under the following categories should be referred to the Government of India for sanction or advice:

- (i) Projects to be financed from Central funds, e.g., projects relating to National Highways or financed from Central Road Fund.
- (ii) Projects, big or small, which affect the interests of other State Governments.
- (iii) Projects, which are attended with more than ordinary engineering difficulties, e.g., dock and harbour improvements.

(iv) Projects, where the Government of India specifically require consultation, clearance or sanction.

6.2 POWERS OF GOVT. IN THE ADMINISTRATIVE DEPARTMENTS, HEADS OF DEPARTMENTS AND OTHER CIVIL OFFICERS

I. ADMINISTRATIVE APPROVAL

(a) GENERAL

6.2.1. (i) An administrative approval accorded by the competent authority for construction or purchase of a house as a residence for the Government servant is in every case subject to the conditions that the scale of accommodation supplied shall not exceed that which is considered the Government of Odisha to be appropriate to the status of the occupant.

(ii) Expenditure on residential buildings should, by strict economy of design, be as far as possible confined to such a figure that the rent shall fall within 5% or 7.5% of the occupants average emoluments since any outlay in excess of that limit involves loss to Government, provided that where specific type designs and admissible outlay have been prescribed by the Government, these, should be followed

(iii) In cases where the detailed estimate for a residential building exceeds the amount administratively approved by more than 10 per cent or where, owing to modification in the original proposals or to excess occurring during the execution of the work, a greater excess than 10 percent appears probable, revised administrative approval must be applied for.

(iv) In case of an official residence, whether newly constructed, purchased or hired, electrical fittings and sanitary fittings on the scale approved by Govt. may be supplied and maintained by Govt. Additional fittings may be provided and maintained by the tenant with the approval of the officer in charge of maintenance of the building.

6.2.2. No authority is entitled to accord administrative approval to an estimate for additions and alterations to a residential building if the effect of the expenditure contemplated would be to increase the capital cost of the building to a figure beyond that to which the authority is competent to accord administrative approval in the case of new residential buildings.

Notes: (I) The prescribed scale of electrical and sanitary fitting is given in Appendices XXIII & XXIV.

(II) The admissible outlay for residential buildings is prescribed by Govt. from time to time. The existing ceiling is given in Appendix XXV.

(b) Delegation of Powers for according Administrative Approval to Departments of Governments in charge of public works, Heads of Departments and other Civil Officers

6.2.3. (a) The Departments of Government mentioned below are empowered to accord administrative approval to various types of project for use in their respective Department upto the limit specified below subject to the conditions laid down hereunder –

Particulars	Departments of Government and monetary limits upto which powers can be exercised,		
	Work Irrigation & Power Departments	Rural Development Department	Urban Development Department
(1)	(2)	(3)	(4)
	Rs.	Rs.	Rs.
1. Non-residential buildings	76.00 Lakhs	76.00 Lakhs	76.00 Lakhs
2. Residential buildings and residence-cum-office buildings	33.75 Lakhs	33.75 Lakhs	33.75 Lakhs
3. (a) Communication Irrigation and Public Health	76.00 Lakhs	76.00 Lakhs	76.00 Lakhs
(b) Flood control, Drainages, Anti-water longing and Antisea erosion.	60.80 Lakhs	60.80 Lakhs	60.80 Lakhs
4. Electrical Projects	78.00 lakhs	This power should be exercised by the irrigation & Power Department only	
5. Sanitary & Water Supply installations -			
(a) Residential buildings	5.00 lakhs	5.00 lakhs	5.00 lakhs
(b) Non-residential buildings	10.00 Lakhs	10.00 Lakhs	10.00 Lakhs
6. Electrical installation -			
(a) Residential buildings	5.00 lakhs	5.00 lakhs	5.00 lakhs
(b) Non-residential building	10.00 Lakhs	10.00 Lakhs	10.00 Lakhs
7. Inspection Bunglows and Rest sheds	57.00 Lakhs	57.00 Lakhs	57.00 Lakhs
8. Pipe water supply, sewerage and drainage (Public Health Works)	-	-	76.00 Lakhs

9. Other item, if any, not covered by Sl.1. to 8 above	4.00 Lakhs	4.00 Lakhs	4.00 Lakhs
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Note: The enhanced power in respect of 'communication', 'Irrigation' and 'Public Health' works shall be subject to the restriction that this may be exercised in respect of works which form part of the approved programme in the Capital Budget. In regard to Flood Control, Drainage, Anti – water logging and Anti-sea Erosion projects, power to accord administrative approval up to Rs. 10 lakhs shall be exercised only after obtaining recommendations and approval of competent authorities as prescribed by the Planning Commission in their letter No. 11-16(12)72-1 and C.A.D. dt. 8.06.1973, as may be amended from time to time.

(b) The powers of according administrative approval by the Departments of Government other than those mentioned under sub- para, (a) above, will be double the financial limits indicated for Heads of Departments under sub-para, (c) below. The powers in respect of according administrative approval to office-cum-residential buildings is Rs. 50,000 and for according administrative approval for 'communications' including culverts is Rs. 1,00,000. The Community Development and Panchayati Raj (Community Development) Department and Tribal & Rural Welfare Department will exercise special powers under the delegation of enhanced Powers by Govt. in Finance Department from time to time.

(c) The powers of the Heads of Departments, other than Chief Engineers under the Administrative Departments in charge of public works, in the matter of according administrative approval in each case will be as follows:

Particulars	Amounts	Powers of Administrative Approval		
		Member, Board of Revenue	R.D.C.	Collector
(1)	(2)	(3)	(4)	(5)
	(Rs.)	(Rs.)	(Rs.)	(Rs.)
1. Non-residential buildings	18.75 Lakh	38,00,000	26,63,100	13,30,000
2. Residential buildings	11.25 lakh	22.50 lakh	19.00 lakh	9.50 lakh
3. Circuit House, Inspection Bungalows, Rest sheds, etc.	7.5 lakh	22.50 lakh	11.25 lakh	5.63 lakh
4. Sanitary and Water supply installations-				
(a) Non-residential	1.90 lakh	2.25 lakh	1.50 lakh	0.75 lakh
(b) Residential	75,000	1.50 lakh	1.13 lakh	0.56 lakh
5. Electrical installations				
(a) Non-residential	1.90 lakh	2.25 lakh	1.50 lakh	0.75 lakh
(b) Residential	75,000	1.50 lakh	1.13 lakh	0.56 lakh
6. Rural Water Supply	1.13 Lakh	3.75 lakh	1.88 lakh	0.94 lakh

7. Communication including culverts	6.00 lakh	9.00 lakh	7.60 lakh	3.80 lakh
8. Other Items	90,000			

(Substituted vide Works Deptt. Letter Dt.10.06.2004)

(d) The power delegated in respect of residential buildings under sub-para, (a) to (c) above are subject to the condition the Administrative Departments /Heads of Departments should observe that expenditure should, by strict economy of design, be as far as possible, confined to such a figure that the rent shall fall within 5 percent or 7.5 percent of the occupants average emoluments as the, case may be, since any outlay in excess of that limit involves loss to Government

Provided that where specific type designs and admissible outlays have been prescribed, these should be followed.

(e) The powers delegated above shall be exercised subject to the condition that funds are likely to be available within a reasonable time and the execution of works will normally be entrusted to a Department in charge of public works for execution.

(f) The powers of different civil authorities to accord administrative approval to projects to be executed departmentally are governed by specific orders issued by the Department concerned.

(g) In all the above cases the powers should be exercised after taking necessary technical advice of competent engineering personnel.

Notes : (I) In respect of residential buildings, circuit houses, inspection bungalows, sanitary and water supply installations and electrical installations, where type plans and monetary limits have been prescribed with the concurrence of Finance Department, further concurrence of Finance Department will not be needed to the administrative approval.

(II) The prescribed scale of electric fans and other fittings is given in. Appendix XXIII.

(III) The scale of sanitary fittings is given in Appendix XXIV.

(IV) A group of works which form one project shall be considered as-one work for the purpose of obtaining sanction of a higher authority.

II. INAUGURAL CEREMONIES

6.2.4. Expenditure on inaugural ceremonies connected with important public works, e.g., laying of foundation stones of important public buildings, bridges, irrigation, power and water supply projects, the opening of main canals, the opening of important buildings, the opening of important bridges, power houses, water supply projects, the switching on of important transmission lines or power supply centres may be incurred when considered necessary upto and overall limit of one per cent of the estimate of the works subject to a maximum of Rs.5,000/- and Rs. 10,000/- in respect of projects costing uptoRs. 30 lakhs and those exceeding Rs. 30 lakhs respectively. The expenditure shall be chargeable to the contingencies of the project's estimate in all cases except in case of irrigation projects, for which Revenue Accounts have been opened, to the Revenue Account of the project. Such expenditure should, however, be limited to the minimum absolutely necessary incurred only with the prior sanction of Government in the Administrative Department.

(Subtd. by Works Deptt. O.M. No. 18737., Dt. 30.7.88, w.e.f. 30.7.88)

III. REMISSION OF DEPARTMENTAL CHARGES

6.2.5. (a) The Chief Engineer, may waive recovery of departmental charges for establishment and tools & plant on works carried out on behalf of municipalities and local bodies and on contribution works only when the cost of the work is less than Rs. 10,000, subject to the condition that a list of such, remissions shall be sent to the Administrative Department every six months explaining the circumstances of remission.

(b) In extraordinary cases, where Government in the Administrative Department decide to reduce or remit the departmental charges, the concurrence of the Finance Department shall be obtained, if the estimated cost of the work exceeds Rs. 10,000.

(Subtd. by Works Deptt. O.M. No. 18737., Dt. 30.7.88, w.e.f. 30.7.88)

6.3. POWERS OF OFFICERS OF THE DEPARTMENTS IN-CHARGE OF PUBLIC WORKS

I. Powers to Accord Administrative Approval

(These powers are required to be reviewed periodically once in every five years)

Powers of P.W.D. Officers to accord Administrative Approval

6.3.1. The Chief Engineers and the officer subordinate to them will exercise the following powers to accord administrative approval –

Particular	Powers of Administrative Approval			
	E.I.C.	Chief Engineer	Superintending Engineer	Executive Engineer
1	2	3	4	5
a) Buildings Non- residential	Rs. 6.00 Cr	Rs. 4.00 Cr	-	-
b) Building Residential	Rs. 4.00 Cr	Rs. 3.00 Cr	-	-
c) Irrigation Works	Rs. 10.00 Cr	Rs. 6.00 Cr	Rs.15.00 Lakh	-
d) Communication	Rs. 10.00 Cr	Rs. 6.00 Cr	Rs.15.00 Lakh	-
e) Flood Control, Drainage, Anti-Water logging and Anti-scarrosion	Rs. 10.00 Cr	Rs. 6.00 Cr	Rs.5.00 Lakh	-
f) Public Health Works	Rs. 6.00 Cr	Rs. 4.00 Cr	15.00 Lakh	-
g) Electricity	Rs. 6.00 Cr	Rs. 4.00 Cr	15.00 Lakh	-
h) Deposit/ Contribution Works	Full Powers	Full Powers	20.00 Lakh	Rs.50,000
i)Sanitary and Water supply to residential and Non- residential buildings				

(a) Non- Residential	Rs. 60.00 Lakh	Rs. 40.00 Lakh	Rs. 10.00 Lakh	-
(b) Residential	Rs. 20.00 Lakh	Rs. 15.00 Lakh	Rs. 5.00 Lakh	-
j. Electrical Installation to residential and Non-Residential buildings				
(i) Non- Residential	Rs. 60.00 Lakh	Rs. 40.00 Lakh	Rs. 10.00 Lakh	-
(ii) Residential	Rs. 20.00 Lakh	Rs. 15.00 Lakh	Rs. 5.00 Lakh	-
k)Rural Water Supply Works	Rs. 6.00 Cr	Rs. 4.00 Cr	Rs. 15.00 Lakh	-
l)Other Items	Rs. 20.00 Lakh	Rs. 15.00 Lakh	-	-

(Substituted vide O.M. No. 6762/W, Dt. 26.06.2013)

Amendment to Para 6.3.1 of OPWD Code, Vol.I

Revision of financial power of Chief Engineer to accord administrative approval.

No.13265-Codes-4/2007/w., dt.02.08.2007

After careful consideration, Government have been pleased to revise the financial power the Chief Engineer from Rs.12.00 lakh to Rs. 50.00 lakh for according administrative approval for Rural water Supply by amending Para 6.3.1 of OPWD Code, Vol-I.

2. Accordingly, existing codal provision under para 6.3.1 of OPWD Code, Vol-I- I stands modified with effect from the date of issue this O.M.
3. This has been concurred by Finance Department vide their U.O.R. No.132-WF-I, dated the 6th March 2007 as per letter No. 3321-BT-RD-67/2006, dated 31st March 2007.

Notes: (I) (a) The enhanced powers in respect of 'Communication' and 'Public Health' works shall be subject to the restriction that this may be exercised in respect of works which form part of the approved programme in the Capital Budget. In regard to Flood Control, Drainage, Anti-water logging and Anti-sea erosion, powers to accord administrative approval shall be exercised only after obtaining recommendations and approval of competent authorities as prescribed by the Planning Commission in their letter No. 11-16 [12]- 72 I & CAD, Dated the 8th June 1973, as may be amended from time to time.

(b) In case of works which are classified as debitable to Revenue head, the financial powers should be limited to 50 per cent of the above.

(II) In respect of residential buildings the enhanced powers will be subject to the condition that the building will conform to the standard type designs approved by Government.

O.P.W.D. Code Amendment 2006

II. Power to accord technical sanction

6.3.2. The following officers are empowered to accord technical sanction to detailed estimates for works subject to the under mentioned limits which are exclusive of charges for general establishment and tools and plant.

Competent	Name of the Works	Tech. Sanction

Authority		Power
1. EIC	---	Full Power
2. CE	---	Full Power
3. SE		
	a) Original work	
	i) Road, bridge & Building	Rs. 4.00 Cr
	ii) irrigation, flood control, drainage works and storage reservoir for drinking water supply	Rs. 4.00 Cr
	iii)PH and RWSS work	Rs. 4.00 Cr
	iv) Public Health Engineering Works (GPHD)	Rs. 2.00 Cr
	v) Electrical Works (GED)	Rs. 2.00 Cr
	b) Repair Works	Full Power
4. Divisional Officer	a) Original work	
	i) Road, bridge & Building	Rs. 1.00 Cr.
	ii) irrigation, flood control, drainage works and storage reservoir for drinking water supply	Rs. 1.00 Cr.
	iii)PH and RWSS work	Rs. 1.00 Cr.
	iv) Public Health Engineering Works(GPHD)	Rs. 50.00 lakh
	v) Electrical Works(GED)	Rs. 50.00 lakh
	b) Repair Works	Rs. 1 Cr.
5. Sub-divisional Officer	a) Repairs Ordinary	Rs. 30,000/-

(Substituted Vide O.M. No. 6762/W, dated 26.06.2013)

Notes: (I) The powers indicated above will be exercised by the public works officers of the concerned branch of public works (Civil, Electrical and Public Health).

(II) A group of works, which form one project shall be considered as one work and the necessity for obtaining sanction of higher authority to a project, which consists of such a group of works cannot be dispensed with for the fact that the cost of each component work in the project is within the powers of sanction of the sub-ordinate authorities see para 6.1.3).

III. POWER TO PASS EXCESS OVER TECHNICAL SANCTION

6.3.3. (i) A revised estimate must be prepared when the sanctioned estimate is likely to be exceeded by more than 5 per cent in respect of residential buildings and by more than 10 per cent in respect of other works, except in cases provided in Note (I) to sub-paragraph (iii) and in sub-paragraph (iv) below.

(ii) The powers of officers-in-charge of public works to accord technical sanction to revised estimates are the same as their power to accord sanction to original estimates.

A public works officer may pass excess over estimates provided that the excess is not more than 5 per cent of the amount sanctioned and the total amount of the sanctioned estimate plus such excess does not exceed the amount upto which he is entitled to accord sanction to an original estimate.

Notes : (I) As an exception to sub-para (III), above the following officers may pass excess expenditure on sanctioned estimates for repairs to buildings only irrespective of the total amount of the sanctioned estimate upto the limit shown against each:

<i>Officers</i>	<i>Rs.</i>
Chief Engineer	1,000
Superintending Engineer	500
Divisional Officer	250

Notes : (II) No officer of public work under various Departments of Government is entitled to pass any excess over a revised estimate sanctioned by a higher authority than himself.

(iv) When the excess occurs at such an advanced period in the construction of a works so as to render the submission of a revised estimate purpose less and the completion report is utilised as such revised estimate under paragraph 3.11.4 an officer of the status of not lower than that of a Superintending Engineer, may pass the completion report, if the total expenditure in question is not greater than that which he is empowered to sanction in case of revised estimate under sub-para (ii) above, when it is beyond the powers of the Superintending Engineer to pass the excess as shown in the completion report, the same shall be submitted to the Chief Engineer, who in his turn will submit it to Govt., if he is not empowered to deal with the excess (See Para 3.12.6.)

(v) In case of productive public works, the powers of passing excess over detailed estimates, as stated, in this sub-para, can be exercised so long as the total project estimate is not exceeded, by more than 5 percent.

IV. PURCHASE, MANUFACTURE AND REPAIRS OF STORES

(a) General

6.3.4, The stores of the Departments in charge of public works are divided into the following classes, viz. (i) stock or general stores, (ii) tools and plant, (iii) road metal, and (iv) materials charged direct to works. The Divisional Officer is responsible that proper arrangements are made throughout his Division for the custody of stores and protection thereof from deterioration fire etc. Unless there are orders to the contrary, the officer in charge of a Sub-division is responsible for the correctness of accounts relating to the stores belonging to it.

(b) Power to Sanction Estimates for Purchase of Stores, Tools and Plant etc.

6.3.5. The following are the powers of the public works officers estimates for purchase of stock, tools and plant, manufacture and repairs of tools and plant:

	Particular	Chief Engineer (in Rs.)	Superintending Engineer (in Rs.)	Divisional Officer (in Rs.)
1	Tools & Plants (New Supply)	10.00 lakh	2.5 lakh	10,000
2	Tools and Plants (Repairs and Carriage)	Full Powers	1.00Lakh	20,000
3	Stock	Full Powers	10.00 lakh	2.00lakh

(Substituted Vide W.D. Letter No. 8316/WE, dated 17.05.2006)

2. Note from I to IX under existing para remains unaltered.

Notes : (I) Except in a case of purchase or manufacture not exceeding Rs. 1,000/- for which estimates may not be required stores including tools and plant can only be purchased or manufactured against the sanctioned estimates;

(II) In case of stock including tools and plant, the sanctioned estimates will lapse at the close of the financial year to which the estimates relate.

(III) In case of stock including tools and plant, for which orders have been placed against sanctioned estimates, but have not been received before the end of the financial year, fresh estimates subject be prepared against the orders, subject to budget provision.

(IV) The estimates sanctioned under tools and plant i.e. 'new supply' and 'repairs and carriage' should be limited to the budget provision.

(V) A provision-slip should be attached to each estimate showing the budget provision upto the date of sanction and the balance amount available. The same procedure shall also be followed in case of special tools and plant.

(VI) When it is proposed to purchase materials directly chargeable to work, there should be a specific provision on the original estimate for the value and quantity of materials.

(VII) Whenever it is considered desirable to manufacture or collect materials, such as road metal, etc. involving an outlay of Rs. 10,000 or more for use in a number of sanctioned works be prepared and approved by such Superintending Engineer before the collection or manufacturer of materials. Collection of roads metal for works not proposed to be taken up during that year is prohibited unless in exceptional cases specified order are obtained from the Chief Engineer.

(VIII) When estimates for purchase of stock for the Division are prepared, the materials available in the Division should be taken into account and the estimate for the balance only should be prepared, subject to the sanctioned reserve stock limit.

(IX) Estimates should not be split up to avoid obtaining sanction from a higher authority.

(iii) GOVERNMENT INSTRUCTION

Sub. : Power to sanction estimate for purchase of stores, Tools and Plants etc.

I am directed to say that the S.E. Mechanical (R&B) Circle, Bhubaneswar sought for clarification as to whether the power prescribed under para 6.3.5 of OPWD Code Vol. I is available to Engineers belonging to mechanical wing. The matter was discussed in the codes Revision Committee meeting held on 20.4.88. The members opined that in absence of any stipulation in the above para, since the power has not been delegated to Engineers of any particular wing, the estimate available to Engineers irrespective of their wing provided that are concerned with the items specified thereon.

It is therefore, clarified that there may not be any objection to exercise the powers under para 6.3.5 of OPWD code Vo.I so far as the mechanical Engineer of the Departmental are concerned, subject to the above condition.

(Works Deptt.No. 15771 Dated 23.06.88)

(C) PURCHASE OF STORES

6.3.6. The powers of public works officers to purchase or manufacture stores shall be the same as that of their powers for sanctioning estimates for purchase etc. under para 6.3.5 subject to the following conditions.

(i) In the case of purchase of stores, the provisions of the rules for the supply of articles for public service should be strictly followed. Ordinarily materials should be purchased only for works in progress and no reserve of stock should be kept except with the specific sanction and upto monetary limit to be prescribed by Government for each year. If such a reserve has been sanctioned, the public works officers are authorised to purchase upto the power delegated to them, subject to the condition that the purchase and issue of stock should be so regulated that the stock in hand at any time does not exceed the sanction limit.

(ii) Indents for stores for which rate/ running contracts exist, should be placed on the Director General of Supplies and Disposals by the officers declared as Direct Demanding Officer. The procurement of steel and cement should invariably be made through the appropriate authority if any Government of India irrespective of the value of orders. In case of materials for which the State Purchasing Organisation (Director, Export Promotion and Marketing) has entered into rate contract, the requiring Divisions should place indents on the manufacturers or their supply agencies (See also Appendix VI for purchase of materials).

(iii) Purchase of jeeps, station-wagons and other vehicles for transport of-officers and staff should have prior approval of the Administrative Department and also the concurrence of the Finance Department.

(iv) Purchase of tools and plant like trucks, dumpers, road rollers, earth-moving machinery, etc., should have prior approval of the Administrative Department. This does not require the concurrence of Finance Department. But concurrence of the Financial Adviser of the Department concerned should be obtained. Livestock can only be purchased with the sanction of the Administrative Department.

(v) Purchase of and repairs to office furniture including office cycles are governed by normal financial rules applicable to other Civil Departments. In case of repairs to motor vehicles and other machinery, it should be seen in all cases that these have not gone beyond economic repairs. The "scales prescribed by Govt. in regard to repairs of motor vehicles should be observed.

(vi) If any of the stores cannot be procured in the manner indicated above, the requirements of the Division should be met by local purchase. In all cases, where local purchase is resorted to, quotations or tenders as the case may be, should be invited from manufacturers, authorised distributors and recognised dealers so as to get the materials at competitive rates and the quantity should be restricted to the actual requirements.

(vii) When a public works officer carries out work for any of the local bodies, the said rules shall apply, except when the local body specialty desires to have the stores purchased otherwise, and the Government have accorded approval thereto.

(viii) Rush expenditure on the purchase of stores at the close of the financial year should be avoided. The indents on the Director General of Supplies and Disposals should be placed by the indenting authorities upto the 1st of February every year as there is little likelihood of supplies being materialised and payment being made within the financial year, if the indents are placed after that date.

(ix) In case of extreme urgency, local purchase of stock, borne on Director General of Supplies and Disposals rate/running contract or covered by State Purchasing Organisation circulars may be made by the Director Demanding, Officer, provided that total purchase is limited to Rs. 50,000 per item per annum. A record of all such purchases should be kept and progressive totals struck to watch the annual limit.

(x) Purchase of materials other than those indicated in sub-para (ii) above costing Rs. 25 lakhs and above at a time would require the approval of the Administrative Department (See para 6.3,15).

(xi) The purchase orders should not be split up with a view to avoid obtaining approval of a higher authority.

(xii) In all cases, purchase orders should be placed by the Divisional Officer after approval of the tender or quotation for the materials by the competent authority.

(xiii) A register of purchase orders should be maintained so as to watch the number of orders placed for various materials during the financial year and materials received against each order.

V. WRITE OFF/ DISPOSAL OF STORES ETC.

6.3.7. The following powers are exercised by officers of the departments in charge of public works in relation to sale, disposal and write off of stores and cash. The powers to write off

losses should be exercised provided that the loss does not disclose a defect in the system, the amendment of which requires the orders of Government and that there has not been serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action.

	Particulars	Administrative Department	Chief Engineer	Superintending Engineer	Divisional Officer
	(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.	Rs.
(a)	Loss due to depreciation	Full Powers	20,000	10,000	Nil
(b) i.	Loss of stores due to theft, fraud or negligence of individual.	20,000	10,000	1,000	100
ii.	Loss of stores not due to the theft, fraud or negligence of individual	50,000	10,000	1,000	100
iii.	Loss of cash either under (b) (i) or (b) (ii)	4,000	2,000	Nil	Nil
(c)	Issue of orders declaring stores other than those referred to under (a) and (b) above, surplus or unserviceable the original purchase value of articles being estimated if not known.	Full Powers	50,000	25,000	1,000 not exceeding 5000/ in a year
(d)	Issue of orders for disposal of stores, declared by competent authority to be surplus or unserviceable.	(Vide Works Department No. 24185, Dt. 25.09.1993) (See Appendix XIX)			
(e)	Sale to private persons at full value plus 10 per cent (unless waived by the SE in respect of surplus stock which in his opinion would otherwise be unsalable), provided the sale does not cause any inconvenience to the public service	Full Power	20,000	10,000	2,000
(f)	Write off from returns of tools and plant of article of which full value has been recovered	-	-	-	Full Power
(g)	Write off from returns of tools and plant of article of which full value has been recovered	Full Powers	5,000	1,000	200
(h)	Adjustment of losses on manufacturing account	-	-	Full Powers	10 per cent on estimated rate of out turn

Notes : (I) Loss under (a) above may be broadly ascribed to (i) normal fluctuation of market price, (ii) fair wear and tear, (iii) lack of foresight in regulating purchase and (iv) neglect after purchase.

(II) Power under clauses (b)(i) and (ii) above will be exercised in respect of actual losses of stores as opposed to losses of stock due to depreciation. Losses under (b)(ii) may be due to an act of nature and other calamities or accidents such as fire, enemy action, obsolescence etc.

(III) Before sanctioning any survey report under clause (c), the officer himself should verify the articles mentioned in the survey report and record the facts in the sanction order. When it is not within the power of the Chief Engineer, he should himself furnish the certificate with his recommendations to the Administrative Department.

(IV) The authority issuing orders under clause (d) should, after the disposal of stores of which value accounts are kept, determine and intimate to Audit the net amount to be written off to the final head (to be specified) as 'Loss on stock'.

(V) To take action under clause (e) above, see also paragraph 7.2.22 of C.P.W.A. Code. The recovery in all such cases should be made in cash in advance.

(VI) Full value or book value means the cost on acquisition including handling and other incidental charges actually incurred.

(VII) In respect of clause (f), the recovery may be in full, either by depreciation due to constant use of tools and plant or by cash on account of loss.

Clause (g) refers to cases where part recovery has been made by depreciation or when recovery has been made partly by depreciation and partly by cash.

VI. SALE OR DISMANTLEMENT OR WRITE OFF OF PUBLIC BUILDINGS

6.3.8. No public building which is not purely a temporary structure may be sold or dismantled without the previous sanction of Government in the Administrative Department, if its book value exceeding Rs. 50,000.

Note: (I) No building should be sold unless it has been previously ascertained from the Collector of the district that it is not required by any other Department or the Government of India or any other public undertaking.

(II) No building should be demolished unless it is in a dangerous condition and beyond economical repairs. If it is decided by the Chief Engineer that a building is in a dangerous condition the same may be demolished departmentally after the order of write off is issued by the competent authority. Materials obtained after dismantlement may be taken to stock for use on other work or disposed of otherwise.

(III) Sale of building along with land would require the concurrence of Finance and Revenue Departments.

6.3.9. The following procedure should be observed for disposal of Government building without land :

(i) Sale or dismantlement or write off should be sanctioned by the competent authority.

(ii) After the sale or write off is sanctioned by the competent authority, a copy of the sanction will be endorsed to the Chief Engineer, who will in all cases, fix the reserve price in accordance with principles laid down in Appendix XIII for valuation of buildings for the purpose of fair rent taking into consideration, the life and condition of the buildings subject to the minimum as under:

- (a) Six percent of the value of the building portion on the basis of current cost of replacement thereof, plus.
- (b) Twenty-five per cent of the value of electrical and water supply installations on the basis of their current cost of replacement.
- (iii) The Divisional Officer in charge, will then dispose of the building either by call of tender or by public auction giving wide publicity to ensure keen competition.
- (iv) The authorities competent to accept the highest bid/ tender at or exceeding the reserve price received in the auction/ tender and their financial power in this regard are as under:

Value of the building on the basis of current cost of replacement thereof	Authority to accept the bid/tender
Up to Rs. 50,000	Divisional Officer
Exceeding Rs. 50,000 but not Exceeding Rs. 2 lakhs	Superintending Engineer
Exceeding Rs. 2 lakhs	Chief Engineer

The discretion to accept bid/ tender below the reserve price should be exercised by the next higher authority competent to accept the bid/ tender under sub-paragraph (iv) above and in respect of buildings exceeding Rs. 2 lakhs, the Chief Engineer should refer the matter to Government for a decision with the concurrence of the Finance Department. Acceptance of bid/ tender in respect of which only one tender is received, the powers of various public works officers will be as follows:

- | | | |
|-----------------------------|-----|------------|
| (a) Divisional Officer | ... | Rs. 10,000 |
| (b) Superintending Engineer | ... | Rs. 50,000 |
| (c) Chief Engineer | ... | Rs. 1 Lakh |

(v) Where disposal of a building without land has been sanctioned by the competent authority, the dismantled materials should be disposed of by the concerned Divisional Officer either by call of tender or by public auction.

Notes: (I) The reserve price for such materials should be fixed by the Divisional Officer and got approved by the Superintending Engineer with reference to current cost of replacement.

(II) The Divisional Officer shall accept the highest bid/ tender at or exceeding the reserve price. The description to accept the bid or tender below the reserve price shall be exercised by the Superintending Engineer.

(III) In case of emergency, buildings instead being disposed of by call of tenders may be dismantled departmentally with the prior sanction of the Administrative Department. The materials obtained after dismantlement should be recorded in the Measurement Book and taken to stock. If the materials are not required for department use, the same may be disposed of in the manner indicated above.

6.3.10. Purely temporary structures erected during the construction of works may on completion of the work or when the purpose for which they were erected has been served, be sold or dismantled under the sanction of the Divisional Officer. If the structure is proposed to

be sold without land, the Divisional Officer may fix the reserve price taking into consideration the life, condition of the structure and other local conditions subject to the minimum as under :

(i) Six per cent of the value of the building portion on the basis of current cost of replacement thereof; plus

(ii) Twenty-five per cent of the value of the Electrical and Water supply installations on the basis of their-current cost of replacements. If the Divisional Officer, after due consideration, proposes to fix a reserve price lower than the above, he will obtain the prior approval of the Superintending Engineer. He will, then, put the structure to auction after due publicity to ensure keen competition. He will be competent-to accept the highest bid at or exceeding the reserve price. The discretion to accept bids below the reserve price shall be exercised by the Superintending Engineer.

6.3.11. The following powers shall be exercised by the public works officers in relation to sanction of survey report for sale, dismantlement and write off of public buildings borne in the books of Departments in charge of public works.

1. Chief Engineer: Buildings, the book value (not depreciated value) of which does not exceed Rs. 50,000 each.

2. Superintending Engineer: Buildings, the book value (not depreciated value) of which does not exceed Rs. 20,000 each.

Sanction of Government should be obtained where the book value of the building exceeds Rs. 50,000.

Notes: (I) Where several buildings are situated in a compound, the book value of individual building and not all the buildings in the compound decided for sale or dismantlement or write off shall be taken for the purpose of determining the authority to sanction.

(II) When it is proposed to sell or dismantle a portion of the buildings, the value of the entire building and not a portion shall be taken for the purpose of determining the authority competent to sanction it.

6.3.12. During construction, works like railway lines, water works roads, bridges, temporary buildings, etc., are taken up for the execution of the main project. These works may be abandoned after completion of the project under the sanction of the Chief Engineer and the materials obtained after dismantlement may be disposed of in the manner indicate din Sub-para, (v) above. Works like embankment, Irrigation canals, bridges, etc. which has been maintained for several years, can only be abandoned after obtaining specific orders of Government.

6.3.13. Sale or transfer of land of building from one Department of Govt. to another will be regulated by the provisions of paragraphs 280 to 284 of Odisha General Financial Rules Vol. I.

VII. ALTERATIONS IN DESIGNS AND SPECIFICATIONS

6.3.14. (a) An officer of the Department in charge of public works can sanction alterations in designs and specifications provided such alterations do not materially affect the size or scope of the project and provided they do not result in an increase in cost beyond the limit of his powers to deal with excess over the estimate.

(b) In cases where the estimates and designs have been technically approved by a higher authority, prior approval of that authority should be obtained before such alterations. But in case of trifling alterations during construction, the Divisional Officer can sanction the same under intimation to the original sanctioning authority.

VIII. ACCEPTANCE OF TENDERS

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 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)

	Competent Authority	Tender Finalisation Power
a)	Administrative Department	Above ₹ 10.00 Crore (where there is a post of E.I.C.) Above ₹ 7.00 Crore (where there is no post of E.I.C.)
b)	E.I.C.	Above ₹ 7.00 Crore and upto ₹10.00 Crore
c)	Chief Engineer	Above ₹ 4.00 Crore and upto ₹7.00 Crore
d)	Superintending Engineer	Above ₹ 1.00 Crore and upto ₹4.00 Crore
e)	Executive Engineer	Upto ₹1.00 Crore

NOTE-I : The Department/ Wings where there is post of Engineer-in-Chief tenders for works above Rs. 10 crores 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. 7 crores 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. 4 crores and upto Rs. 7 crores 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. 7 crores and upto Rs. 10 crores 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.

(Substituted vide OM No. 6762 / W Dated 26.06.2013)

***Note-IV:** Sub-divisional Officers, Divisional Officers, Superintending Engineers and the Chief Engineer can accept tenders, even though the rates quoted are 25 per cent above the estimated rates on any individual item, subject to the condition that the excess so allowed on the whole does not go beyond the value determined on the basis of the current Schedule rates by 15% #[when the tendered rate exceeds 25 per cent on any individual item as compared to the estimated rate of 15% of the value determined on the basis of current Schedule of Rates, the approval of the next higher authority should be obtained before acceptance of the tender.] In case of item-rate contract, the accepting authority shall stipulate a condition that the quantities in respect of the items for which the quoted rates are more than 25% of the estimated rates are not allowed to be varied by more than 5%. In case it exceeds limit, approval of the next higher authority should be obtained.

***Note - V:** When the amount of a tender exceeds the amount of administrative approval by more than #15(fifteen) percent, the tender accepting authority should obtain revised administrative approval or clearance from the authority competent to accord administrative approval before acceptance of the tender.

In case of tender for repair works, if the lowest tendered amount is more than 20 percent of the sanctioned amount, approval of the Chief Engineer should be obtained prior to acceptance of the tender.

***Note - VI:** If doubt arises about competency to sanction a special condition, the matter must be referred to the Administrative Department for orders.

***Note - VII:** The power of acceptance of tender carries with it the power to execute an agreement on behalf of the Governor.

A Divisional Officer can also execute an agreement on behalf of the Governor even if the tender has been accepted by any higher authority.

** Re-numbered vide WD L. No. 5031 Dt. 07.02.2004*

Substituted by WD O.M. No. 21666, Dt. 21.08.87 w.e.f. 21.08.1987

Note-VIII: Finalisation of tender for the work costing Rs. 100 Cr and above will be placed before the Cabinet of the State Government for approval, prior to acceptance of tender.

IRREGULAR ACCEPTANCE OF TENDER

Government Instruction-2004

The Audit in their inspection Reports have invariably observed that tenders having value more than 10% in excess over the corresponding approved estimated cost particularly for lumpsum tenders to the work like Construction of U.G.R., B.H.R., Water Treatment plant etc. have been accepted without approval of the competent authority. In such cases requests for post facto approval of those tenders are received by this office long after execution of the work.

In this connection, it is to mention here that as per the provision under Para 6.3.15 of the O.P.W.D. Codes rad with government of Orissa, F.D.O.M. No. WF.1.1.94/45319/F., Datd

29.10.98 a public works officer may accept a tender for work up to the amount to which he is authorized to accord technical sanction provided the tender amount is within 10% in excess over the corresponding estimate cost and all other conditions are satisfied within the parameter of the codal provisions. Where the tender value exceeds by more than 10% of the approved estimated cost, approval of the next higher authority is required before acceptance of the tender.

In view of above, it is requested that the tender, where the tender value is more than 10% in excess over the approved estimated cost irrespective of the nature of the work, the tender may be accepted after approval of the competent authority as per the codal to avoid future audit objection.

(Memo No. 7464, Dt. 13.07.2004)

IX. SANCTION OF PAYMENT FOR EXTRA ITEM, SUBSTITUTED ITEM, EXTRA QUANTITIES AND OTHER ITEMS TO CONTRACTS

6.3.16. Extra items of work are those which are not covered under the original agreement for the execution of a work and consist of new and/ or substituted items.

(i) New items of work are items which are completely new and are in addition to the items in the contract. These are commonly known as extra and additional items.

(ii) Substituted items are those items which substitute the existing ones or are taken up in lieu of those already provided for in the contract.

(iii) Extra quantities are those executed in excess of the quantities mentioned against each item in the agreement.

6.3.17. The public works officers will exercise the following powers for sanctioning rates for extra/ substituted items and for approving deviations in quantities in respect of a contract:-

(i) **Chief Engineer** - Full power, subject to the condition that the net value of the extra/ substituted items and extra quantities shall be with 10 per cent of the value of the contract accepted by any authority.

(ii) **Superintending Engineer** - Can sanction rates for extra/ substituted items and approve deviation in quantities so long as the net value of all these items remains within 10 per cent of the value of the contract accepted by any authority or Rs. 50,000 whichever is less.

(iii) **Divisional officer** - Can sanction rates for extra/ substituted items and approve deviations in quantities, so long as the net value of all these items remains within 5 per cent of the value of the contract accepted by any authority or Rs. 10,000, whichever is less.

Within this limit, he may also sanction rates which cannot be derived either from the agreement or Schedule of Rates, upto Rs. 2,000 only in respect of each contract.

(iv) **Subdivisional Officer**- Can sanction rates for extra/ substituted items and approve deviations in quantities, so long as the net value of all these items remains within 5 percent of the contract accepted by him or Rs. 250, whichever is less. He cannot sanction rates for item which cannot be derived from the Schedule of Rates.

In exercising the power indicated above, the following principles should be observed:-

- (a) The powers should be exercised for technical reasons only.
- (b) Scale of accommodation and furniture sanctioned by a higher authority should not be exceeded.
- (c) These powers are to be exercised in respect of each contract.
- (d) The total value of work including the value of extra/ substituted items and increase in quantities shall not exceed the amount of administrative approval by more than

15(fifteen) percent in any case. As soon as the possibility of such an increase is noticed, no extra expenditure should be incurred till a revised administrative approval or specific permission of the authority competent to accord administrative approval is obtained.

(Substituted by Works Deptt. O.M. No. 14248/W, Dt. 30.06.94)

While exercising the above powers, a higher authority should also take into account the sanctions accorded by the subordinate authorities in respect of each contract.

6.3.18. The powers of public works officer for sanctioning payment for items not covered under para 6.3.17 shall be as follows subject to the prior approval of the next higher authority in each case.

Chief Engineer - Upto 10 per cent of the value of the contract or Rs. 10,000, whichever is less, in respect of a contract accepted by any authority.

Superintending Engineer - Upto-5 per cent of the value of the contract or Rs. 5,000 whichever is less, in respect of a contract accepted by him or by his subordinate officers.

Notes: (I) Any payment beyond the above limit would require the concurrence of Finance Department.

The Chief Engineer, while exercising the above powers, will take into account the sanctions already accorded to by the Superintending Engineer.

(II) The total value of work including the amount sanctioned for other items shall not exceed the amount of administrative approval by more than 10 per cent. If it exceeds, no payment can be made until a revised administrative approval is received or specific permission of the authority competent to accord administrative approval is obtained.

(III) The term 'other items' covers those item like idle labour, idle machinery, losses due to natural calamities and circumstances beyond human control, payments for which are not covered by any of the clauses of the contract.

Provided that the total payment sanctioned under paras 6.3.17 and 6.3.18 above, together, shall not exceed 10 per cent of the value of the contract.

6.3.19. Deviation statement, where necessary, should be submitted to the competent authority for approval.

See Note (II) below para 3.2.4

6.4. MISCELLANEOUS POWERS

(A) WRITE OFF IRRECOVERABLE REVENUE

6.4.1. Write off of irrecoverable Revenue: The following powers are exercised by the officers in charge of public works, in respect of write off irrecoverable revenue provided that there has not been serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action.

E.I.C./ Chief Engineer ... Rs. 5,000/-

Superintending Engineer ... Rs. 2,000/-

The Officer in charge of public works will be held responsible if above power is not exercised judiciously.

(Substituted by Works Department L No. Dt. 17.05.2006)

(B) SALE OF DEAD AND FALLEN TREES

6.4.2. The following powers are exercised by the officers of Department in charge of public works for sale and disposal of dead or fallen trees or living trees or branches thereof coming under the alignment of roads, canals etc.:

Superintending Engineer ... Full power

Divisional Officer ... Rs.500

Subdivisional Officer ...Rs.250

Provided that the powers of the Subdivisional Officer are subject. to the following conditions:

- a. that the sales are restricted to trees fit for use as firewood only and to those which are less than 122 cm. in girth, in the case of timber trees used for building purposes;
- b. that wide publicity of the sale is given which must be certified in the sale accounts submitted by the Subdivisional Officer; and
- c. that if any objection from the public to the notice or conduct of the sale is received within a fortnight of the sale, the order of the Divisional Officer should be taken; the sale in cases where there is no such objection being-Confirmed after a fortnight. Further provided that in the case of trees of 122 cms or more in girth uses for building purposes, approval of Superintending Engineer should be obtained, irrespective of the amount upto which the Divisional Officer or Subdivisional Officer is competent as prescribed in the sub-para

(C) PROPAGANDA, PUBLICITY AND DEMONSTRATION OR EXHIBITION

6.4.3. The Chief Engineer may sanction expenditure not exceeding Rs. 5,000 annually, provided that in cases where such propaganda, publicity and demonstration or exhibition relate to a project, provision for the same should exist in the project estimate, administratively approved by the competent authority.

(D) LEASE AGREEMENT FOR TEA STALLS OR OTHER SHOPS ON DEPARTMENTAL LAND

6.4.4. (a) The Superintending Engineer can let out Departmental buildings on a monthly rental basis for canteen or store catering to the needs of the Departmental staff, subject to the following conditions:

- i. that the lessee shall vacate at a month's notice;
- ii. that the period of lease does not exceed a year at a time; and
- iii. that the lessee shall not make any addition or alteration to the existing buildings so let out.

(b) The Superintending Engineer can also sanction lease of Departmental land on annual rental basis for the above purpose subject to the conditions mentioned under (a) above and that the lessee shall not raise any structure of a permanent nature on the land. A deed of agreement shall be prepared for the purpose in consultation with the Government Pleader concerned, if there is no approved form.

Note: The Divisional Officer can enter into agreement for the above mentioned, purposes with previous sanction of the Superintending Engineer in each case.

(E) LEASE OF SAIRATS

6.4.5. The public works officers can approve lease of grass, fruit and fishery in the Departmental land, trees, tank respectively, or in the irrigation and embankment works subject to the conditions that the same is leased out on auction after following the rules and procedures laid down in Appendix-XXVI.