

**MINUTES OF 5<sup>th</sup> MEETING OF SCREENING COMMITTEE FOR THE YEAR 2020-21 HELD ON 26.02.2021 UNDER THE CHAIRMANSHIP OF HON'BLE JAL SHAKTI MINISTER FOR PROCUREMENT OF PIPES.**

**The following were present:**

Sh. H.R. Sharma, Commissioner (Industries)-cum- Controller of Stores, Industries Department H.P.	Member
Dr. Ashwani Sharma, Special Secretary, Rep. of Secretary (Jal Shakti) to the Govt. of H.P.	Member
Smt. Tanuja Joshi, Executive Director, Rep. of Managing Director, HP State Civil Supply SHimla-9	Member
Shri Manoj Sharma, Deputy Secretary, Rep. of Addl. Chief Secretary (Finance), to the Government of Himachal Pradesh.	Member
Er. Naveen Puri, Engineer-in-Chief, Jal Shakti Department H.P.	Member Secretary.
Er. Sushil Justa, Chief Engineer (Shimla Zone), Jal Shakti Department H.P.	Special Invitee

At the outset, the Member Secretary welcomed the Hon'ble Jal Shakti Minister & other members of the committee.

**Thereafter, discussion on agenda items followed as under:**

**Agenda Item No. I: Procurement of additional requirement of HDI Pipes for the financial year 2020-21:**

The Member Secretary apprised the committee that the additional requirement of HDPE Pipes of 710548 Rmt. has been received from the Chief Engineers. Part of material is required in tribal areas for Water Supply Schemes and balance material is required by the divisional offices for state sector programme HIMCAD as well as PMKSY Schemes. Sufficient funds



procurement of these pipes are available. The rate contract for HDPE pipes has also been concluded by HPCOS which is valid up to 31.12.2021.

Further the Member Secretary explained that out of above requirement, 5358 Rmt. of HDPE pipes of Palampur Divisions is not available on HPCOS rate contract, hence it is proposed that concerned Chief Engineer may be authorized to call tender on turnkey basis for procurement to these pipes so that works can be completed well in time. The Dia wise detail is as under:

<b>Dia</b>	<b>Quantity (In Rmt.)</b>
PE100 PN5 400mm	1524
PE100 PN5 110mm	1704
PE100 PN5 140mm	528
PE100 PN5 180mm	420
PE100 PN5 200mm	150
PE100 PN5 250mm	1032
<b>Total :</b>	<b>5358</b>

After detailed discussions and deliberation on the issue, the committee approved the requirement and authorized the department to procure the same on valid rate contract of HPCOS. For balance requirement of 5358 Rmt. which is not available on Rate contract, the committee accorded one-time relaxation and further authorized the concerned Chief Engineer to procure the same on turnkey basis after observing all codal formalities.

**Agenda Item No.-II: Additional Requirement of D I. Pipes for the financial year 2020-21:**

The Member Secretary apprised the committee that the additional requirement of 27800 Rmt. D.I. Pipes for the Year 2020-21 had been received from Chief Engineer Shimla and Mandi Zone for ongoing sewerage schemes under Nahan, Nohradhar and Sundernagar Division respectively.

The tender for procurement of D.I. Pipes (K-7) were opened on 07.12.2019 (valid up to 31.03.2021) and were approved by the screening committee in its meeting held on 26.12.2019.

After detailed discussions, the committee approved the above requirement and authorized the department to procure these pipes against the rates of tender opened on 07.12.2019 which is valid up to 31.03.2021.

**Agenda Item No.-III Procurement of G.I. Pipes under Other Head (LOC for the year 2020-21.**

The Member Secretary apprised the committee that Chief Engineer Shimla, Mandi & Hamirpur have submitted the 3707 MT addition

requirement of G.I. Pipes required for ongoing targeted works under NABARD & PMKSY during current financial year.

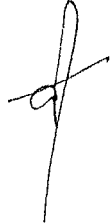
The rates of tender of G.I. pipes called on 17.06.2020 are valid up to 31.03.2021. The total cost of 3707 M.T. G.I. Pipes works out to be Rs. 30.39 Crore approximately for which sufficient funds are available with the concerned divisions.

**After detailed discussions & deliberations the committee unanimously opined that many works are in progress for which these pipes are required. Hence keeping in view the targets to be achieved and availability of funds, the committee decided to procure the above pipes from L-1 firms or from the firms matching L-1 rates against tender valid up to 31.03.2021 as per their manufacturing capacity as well as in view of earlier supply position.**

**Agenda Item No.-IV Request for extension in delivery period against supply orders placed on 18.06.2020, 27.07.2020 & 04.08.2020.**

The Member Secretary apprised the committee that the supply orders for procurement of G.I. pipes under JJM & Other Head were placed to various firms during the month of June, July & August 2020. Though maximum supplies were received within delivery period yet some quantities were delayed for which the firms M/s Swastik Pipes Limited and M/s Hi-Tech Pipes Ltd. have requested to allow time extension. The reasons for delay cited by the firms are as under:

- The entire supply chain system i.e. availability of raw material, labour and logistics got disturbed amid Covid-19 pandemic.
- The acute shortage of raw material i.e. HR Coil due to delay in supply by approved vendors which were already flooded with orders of HR Coil for G.I. Pipes required throughout the country after launching of Jal Jeevan Mission.
- Though some relaxations with restrictions were given by the Govt. to operate the plant, hence as per guidelines, the plant became partially operational due to deployment of less manpower & maintenance of social distancing in the plant which resulted in less and slow production. Also due to Covid-19, skilled workers were not available.
- The committee was of considered view that the reasons for delay cited are related to Covid-19 and is covered under force majeure clause of the supply order.



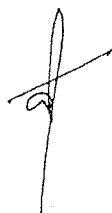
However, one of the reason cited by the firms for delay is raw material shortage owing to escalation in countrywide demand due to JJM works, is not tenable and the firm is responsible for it as they had accepted the ordered quantity.

The detail of quantity ordered, supplied & time extension sought by above firms is as under:

Sr. No.	Name of Firm	Supply order No. & dated	Qty. Ordered (MT)	Qty. Dispatched within delivery period (MT)	Qty. Dispatched after delivery period (MT)	Delivery period up to	Extension required up to (in days)
1	M/s Swastik Pipes Limited	6888-6931 dated 27.07.2020	2659	697	1962	25.09.2020	03.01.2021 (100 days)
2		7401-7431 dated 04.08.2020	685	320	365	03.10.2020	31.01.2021 (120 days)
3		7432-7499 dated 04.08.2020	2184	177	2007	03.10.2020	19.12.2020 (77 days)
4	M/s Hi-Tech Pipes Limited	4207-4256 dated 18.06.2020	1379	0	1379	17.08.2020	03.02.2021 (170 days)
5		7643-7719 dated 04.08.2020	2163	1339	760	03.10.2020	31.12.2020 (89 days)

The dispatch of material was to be made within 60 days from the date of placing of supply order. The Screening Committee in its meeting held on 19.08.2009 has authorized Engineer-in-Chief to grant extension in delivery period for 30 days beyond actual delivery period and further to Secretary (IPH) for next 30 days. Power to grant extension in delivery period beyond 60 days rests with the Screening Committee. It was also clarified that presently since there is increase in the rates of raw material, hence in compliance to the conditions of the tender only the negotiated rates already taken in supply order shall be allowed in the extended delivery period.

After detailed discussions and deliberation on the issue committee unanimously approved that due to Covid-19 pandemic, one time extension proposed be granted without any price escalation to both the firms as per the terms & condition of the Supply order.



**Agenda Item No. V: Regarding representation of firm M/s Gaurang Products (P) Limited for withdrawal of condition of debarring of firm for non-supply of G.I. Pipes against supply order dated 02.12.2019 & 30.04.2020.**

The Member Secretary informed the committee that as per the decision taken in the previous meeting held on 09.12.2020, the department has debarred the firm M/s Gaurang Products Pvt. Ltd. for next three years for quoting tender in Jal Shakti Vibhag H.P & also forfeited the earnest money of the firm on 11.01.2021 for non-supply of pipes against supply order of 2224 & 1748 MT placed on 02.12.2019 and 30.04.2020 respectively.

The committee directed Jal Shakti Vibhag to seek legal opinion from Law department for claiming damages from the firm for non supply of pipes..

The firm has represented twice on 15.01.2020 & 01.02.2020, requesting withdrawal of order debarring the firm and also to release the forfeited Earnest Money.


The firm has stated that owing to this action, they can not participate in any tender for any product in the country, as in all the tenders there is a condition that bidder should give an undertaking on stamp paper that the firm has not been blacklisted/debarred by any organization.

The firm has stressed that they are serving this department since long years and no such issues have ever cropped up. Moreover the firm has supplied 11804 MT G.I. Pipes against this tender whereas the firm was lowest for 7888 MT quantity only.

The firm has also requested that the firm is a MSME Unit & due to this action of the department, the G.I. Plant of the firm is presently closed/ shut down and more than 500 workers are on the verge of losing their employment. The firm has requested to withdraw the condition of debarring for quoting the tenders and withdraw the forfeited Earnest Money.

In view of above the committee opined that the matter regarding forfeiture of earnest money & imposing penalty be got examined from the Law Department, however the matter regarding debarring of the firm can be withdrawn.

**After detailed discussions and deliberation in the issue, the committee approved to withdraw the debarment of the firm and decided that matter regarding forfeiture of earnest money & imposing penalty be got examined from the Law Department .**



**Agenda Item No. VI: Regularization of delivery period against supply order dated 31-01-2015, 26-09-2015 and 23-06-2016 in respect of M/S Tirupati Container Pvt. Ltd.**

The member secretary informed the committee that as per decision taken in the screening committee meeting held on 26.12.2019, a sub-committee under the chairmanship of Chief Engineer Dharmshala Zone, presently Chief Engineer Shimla Zone was constituted to re-examine the representation of M/s Tirupati Containers Pvt. Limited regarding regularization of delivery period against supply orders dated 31.01.2015, 26.09.2015 & 23.06.2016. Now the Chief Engineer has submitted the report of the sub-committee on 15.01.2021 and is placed before the committee for perusal & further orders.

**After detailed discussions and deliberation on the issue members of the committee were of the considered view that since the matter requires more deliberations and legal opinion, the matter be deferred for the next meeting.**

**Agenda Item No.-VII: Request of firm M/s Vishal Pipes Limited regarding allowing price variation in extended delivery period against supply order dated 27.01.2017.**

The Member Secretary explained that the firm M/s Vishal Pipes Limited has represented on 30.10.2019 regarding allowing price variation for extended delivery period against two supply orders placed on 27/01/2017 of 2228 MT (457 and 1771 MT) for excise duty **non exempt & exempt** GI pipes respectively.

Before placing the matter in Screening Committee, the complete case was sent for detailed examination to Sub-Committee already constituted for examination of the case of M/s Tirupati Containers Pvt. Ltd.

Now the Sub Committee has submitted its fact finding report on 15.01.2021 and is placed before the committee for perusal & further orders.

**After detailed discussions and deliberation on the issue, the members of the committee were of the considered view that since this issue require more deliberations and legal opinion, this item be deferred for the next meeting.**



Agenda Item No. VIII : Regarding allowing price variation for with or without escalation extended delivery period against supply order dated 01.02.2020 placed in favour of M/s JTL Infra Limited subject to Force Majeure Clause.

The Member Secretary explained that the matter for allowing price variation in favour of M/s JTL Infra Limited for 1170.78 MT G.I. Pipes supplied after delivery period against supply order dated 01.02.2020 was placed before the Screening Committee meeting held on 06.07.2020 & 09.12.2020, but the committee did not agree to allow the same.

The firm M/s JTL infra Limited has once again represented requesting to consider their representation as per force majeure clause of tender arising due to Covid-19 pandemic.

**After detailed discussions and deliberation on the issue, the committee decided to refer the case to sub-committee already constituted under the chairmanship of Er. Sushil Justa, Chief Engineer for examination and submitting the report.**

#### ADDITIONAL ITEMS

**ITEM NO.-I : Additional Requirement of HDPE Pipes- Procurement thereof.**

The Member Secretary explained that Chief Engineer Dharmshala and Mandi Zone have submitted additional requirement of HDPE Pipes of 4,92,242Rmt. costing Rs. 11.72 Crore as per existing HPCOS rate contract valid up to 31-12-2021.

**The committee approved the requirement and authorized the department to procure the same on valid HPCOS rate contract.**

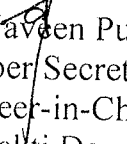
**Item No.-II Procurement of G.I. Pipes under Other Head (LOC) for the year 2020-21.**

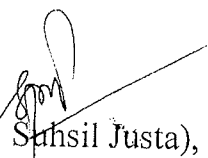
The Member Secretary explained that the Chief Engineer Dharmshala Zone has submitted the additional requirement of 526 MT G.I. Pipe required to be used on ongoing targeted works under NABARD during current financial year by Chamba, Nurpur and Jawali Divisions.


The rates of tender of G.I. pipes called on 17.06.2020 are valid up to 31.03.2021. The total cost of 526 M.T. G.I. Pipes works out to be Rs. 4.81 Crore approximately for which sufficient funds are available with the concerned divisions.

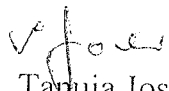
After detailed discussions & deliberations the committee unanimously opined that many works are in progress for which these pipes are required. Hence keeping in view the targets to be achieved and availability of funds, the committee decided to procure the above pipes from L-1 firms or from the firms matching L-1 rates against tender valid up to 31.03.2021 as per their manufacturing capacity as well as in view of earlier supply position.

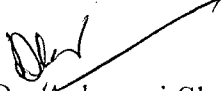
The meeting ended with a vote of thanks to and from the chair.

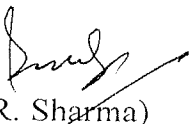
  
(Er. Naveen Puri)  
Member Secretary-cum-  
Engineer-in-Chief,  
Jal Shakti Department H.P.

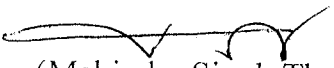
  
(Er. Sahsil Justa),  
Special Invitee  
Chief Engineer (Shimla Zone)  
Jal Shakti Department H.P.

  
(Manoj Sharma)  
Deputy Secretary (Finance),  
Rep. of Principal Secretary (Finance)  
to the Govt. of Himachal Pradesh

  
( Dr. Tanuja Joshi )  
Executive Director,  
Rep. of Managing Director,  
H.P. State Civil Supplies Corp. Shimla-9.

  
(Dr. Ashwani Sharma)  
Special Secretary,  
Rep. of Secretary (Jal Shakti)  
to the Govt. of Himachal Pradesh

  
(H.R. Sharma)  
Commissioner (Industries)-cum-  
Controller of Stores,  
Industry Department,  
to the Govt. of HP Shimla-2.

  
(Mahinder Singh Thakur )  
Jal Shakti Minister,  
Govt. of Himachal Pradesh.