



GOVERNMENT OF KERALA

No.486/D2/2017/PWD

Public Works (D) Department
Thiruvananthapuram,
Dated: 07/09/2021

From

The Principal Secretary to Government

To

The Additional Chief Secretary, Revenue Department
The Additional Chief Secretary, Water Resource Department.
The Additional Chief Secretary, Finance Department.
The Principal Secretary, Transport Department.
The Principal Secretary, Finance (Expenditure) Department.
The Secretary, Law Department.

Sir,

Sub: PWD- KSTP- 119th Steering Committee Meeting -Minutes forwarding
-Reg.

I am to forward herewith the approved minutes of the 119th Meeting of
Steering Committee *for information and necessary action.*

Reshmi
8/9

Yours faithfully,
RAJILABEEVI.S
UNDER SECRETARY
for Secretary to Government

Approved for issue

Section Officer

Copy to:

- ✓ The Project Director, KSTP, Thiruvananthapuram.
- The Chief Engineer (Roads and Bridges), Thiruvananthapuram.
- The Chief Engineer, KSTP, Thiruvananthapuram.
- Additional Secretary to Chief Secretary
- PA to Principal Secretary, Public Works Department.
- CA to Secretary, Public Works Department.
- CA to Special Secretary, Public Works Department.

Minutes of 119th Steering Committee of Kerala State Transport Proj

Date & Time : 31st August 2021 at 2:00PM
Place : Virtual Conference- Google Meet

Present:

1. **Dr. V P Joy IAS**
Chief Secretary
2. **Sri. Rajesh Kumar Singh IAS**
Additional Chief Secretary, Finance Department
3. **Sri. T.K. Jose IAS**
Additional Chief Secretary, Water Resources Department
4. **Dr. A. Jayathilak IAS**
Principal Secretary, Revenue Department
5. **Smt. Vijayasree. K.S**
Joint Secretary, Transport Department
6. **Sri. Anand Singh IAS**
Secretary, Public Works Department & Project Director, KSTP
7. **Smt. Darlene Carmelita D'Cruz**
Chief Engineer (Projects), KSTP



Item No. 01 : Confirmation of 118th Steering Committee Minutes

Confirmed.

Item No. 02 : Action taken report on the decision of the 118th Steering Committee.

The steering committee noted the action taken report.

Item No: (03) Bid Approval and Ratification:

I. Bid Approval

a. Rehabilitation and Upgradation of Nenmara – Nellyampathy Road in Palakkad District (Length 30.470km) under KfW funding.

The bids were invited for the above work after giving wide publicity in National dailies on 15.06.2021 and in the Kerala e-tender portal on 16.06.2021 with last date of bid submission as on 02.08.2021. The technical bid Opening was conducted on 02.08.2021 at 15.30 hrs. Five bidders submitted the bids. The Evaluation Committee reviewed the technical bids M/s. PMR Construction Company is found non-responsive in the preliminary examination of bid as the specific power of attorney was not signed by the acceptance party and validity of bid security was only 90 days as against the SBD provision of 120 days. Financial part of the bids was opened on 24.08.2021

| Sl. No. | Name of bidder | Quoted amount in INR (Including Taxes and Maintenance Cost) |
|---------|---|---|
| 1 | M/s. Radiance Realty Developers India Ltd | 84,17,66,895.14/- |
| 2 | M/s. Antech – PRL (JV) | 90,50,72,011.50/- |
| 3 | M/s. EKK Infrastructure Ltd. | 93,37,86,658.30/- |
| 4 | M/s. Marymatha Infrastrucure Pvt.Ltd | 97,74,42,487.42/- |

Price quoted by the lowest responsive bidder, M/s. Radiance Realty Developers India Ltd is Rs. 84.17Cr, which is 7.46 % below the estimated cost of Rs. 90.95Cr.

Resolution 1

The Steering Committee, after detailed discussions, resolved by consensus that:

M/s. Radiance Realty Developers India Ltd. is awarded the work ‘RKI- Rehabilitation and Upgrading of Nenmara -Nellyampathy Road (30.47 km) in Palakkad District under KfW, at their quoted rate of Rs. 84.17 Crore, including all taxes and duties, GST and maintenance for 5 years (7.46 % below the estimated cost).

b. RKI - Rehabilitation and Up gradation of Thiruvananthapuram - Ponmudi Road (From Nedumangad to Ponmudi) Length 37.948 km in Thiruvananthapuram District under World Bank Fund.

The bids were invited for the above work after giving wide publicity in National dailies and in the Kerala e-tender portal on 25.06.2021 with last date of bid submission as on 09.08.2021. The technical bid Opening was conducted on 09.08.2021 at 15.30 hrs. Six bidders submitted the bids. The Evaluation Committee reviewed the technical bids. M/s Tarmat Limited is found non – responsive as the credit facility certificate in form fin 3(A) of the RFB was not submitted and the balance sheet of only 4 years were submitted. The Financial parts of the bids were opened on 25.08.2021.

| Sl. No.† | Name of bidder | Quoted price (Rs.) |
|----------|--|-----------------------|
| 1 | M/s Cherian Varkey Constructions Company, Cochin | Rs.209,59,05,485.64/- |
| 2 | M/s Sreedhanya Construction Company, Thiruvananthapuram | Rs.198,94,70,511.92/- |
| 3 | M/s RDS Project Ltd, New Delhi | Rs.196,19,12,730.00/- |
| 4 | M/s Antech – PRL (JV), Ernakulam | Rs.167,69,58,699.72/- |
| 5 | M/s Gawar – Atcon (JV), Haryana | Rs.193,30,76,250.70/- |

Price quoted by the lowest responsive bidder, M/s Antech – PRL (JV) is Rs.167.696 Cr, which is 3.38% below the estimated cost of Rs. 173.56 Cr.

Resolution 2

The Steering Committee, after detailed discussions, resolved by consensus that:

M/s. Antech -PRL is awarded the work ‘RKI - Rehabilitation and Up gradation of Thiruvananthapuram Ponmudi Road (From Nedumangad to Ponmudi) Length 37.948 km in Thiruvananthapuram District under World Bank Fund at their quoted rate of Rs. 167.696 Crore, including all taxes and duties, GST and maintenance for 5 years (3.38% below the estimate cost).

c. Rebuild Kerala Initiative (RKI)-Rehabilitation and Up gradation of Arakunnam-Amballoor-Poothatta-Piravam Road (Length 7.980 km) in Ernakulam District under KfW funding.

The bid invitation was published in the dailies Kerala Kaumudy and The Hindu on 30/01/2021 and in the Kerala e-tender portal on 01/02/2021 with last date of submission of bid as on 18/03/2021. On evaluation of the technical bids by the PMC for RKI works, M/s.Theruvath Builders was found Non Responsive due to insufficient bid capacity(The financial Capability and Turn over are not calculated correctly. The corrected turnover and the liability including the project recently awarded by KSTP



lowers their Bid Capacity which do not comply to the requirement. The price bid opening was done on 24/05/2021 at 02.00 PM.

| Sl. No. | Name of bidder | Quoted amount in INR (Including Taxes and Maintenance Cost) | Percentage Variation with the Estimate amount |
|---------|--|---|---|
| 1 | M/s. Marymatha Infrastructure (P) Ltd. | 31,40,37,331.98/- | 12.39 % Above |

The price quoted by the single responsive bidder, M/s Marymatha Infrastructure (P) Ltd. is Rs. 31,40,37,331.98/- against the estimated cost of Rs. 27,94,00,000/- which is 12.39% above the estimate amount. As per the Proceedings no. RBDCK/T220/CUSAT/PACKAGE I/1116/2021 dated 06.07.2021 of the Managing Director, RBDCK, blacklisted M/s.Marymatha Infrastructure Pvt.Ltd. In the meantime, Hon'ble High Court of Kerala issued interim order against W.P. (C) No.13587 of 2021 dated 09.08.2021 filed by M/s.Marymatha Infrastructure Pvt.Ltd. Excess cost as per DSR 2018 comes to 5.86% above the estimate cost.

Resolution 3

Deferred – The LI Bidder, was blacklisted by RBDCK on 06/07/2021 and later Hon'ble High Court quashed the proceedings of the Managing Director, RBDCK on 09/08/2021. As such the Committee decided to obtain the remarks of the Finance Department for further action .

d. Rehabilitation and Up gradation of Vadayar- Chandappalam- Mulakkulam Road and Vadayar- Kallattippalam-Muttuchira Road in Kottayam District (Length 22.476 Km) under KfW funding.

The bids were invited for the above work after giving wide publicity in National dailies and Kerala e-tender portal on 22.09.2020 with last date of bid submission as on 05.10.2020. The technical bid opening was conducted on 05.10.2020 at 16.30 hrs. Only one bidder submitted the bids. The Evaluation Committee of KSTP reviewed that tender has only a single bidder and the quoted amount is Rs.128.35 Cr which is 29.70% above estimated PAC. 29.70% above the estimate rate which seems abnormally very high, estimate was revised and the work was tendered again by giving wide publicity in National dailies on 09.02.2021 and in the Kerala e-tender portal on 09.02.2021 with last date of bid submission as on 29.03.2021. The technical bid opening was conducted on 29.03.2021 at 15.30 hrs. Four bidders submitted the bids. M/s. PCPL -SM (JV) was found non responsive due to short fall of the required personnel in the technical proposal and insufficient financial capability. The Financial parts of the bids were opened on 07.05.2021.

| Sl. No. | Name of bidder | Quoted price (Rs.) |
|---------|--|---------------------|
| 1 | M/s. Marymatha Infrastructure Pvt. Ltd | 1,11,09,82,254.00/- |
| 2 | M/s. Antech - PRL (JV) | 1,11,40,61,222.98/- |
| 3 | M/s. Tarmat Ltd. | 1,21,97,65,127.00/- |

Price quoted by the lowest responsive bidder, M/s.Marymatha Infrastructure (P) Ltd is Rs.111.09 Cr, which is 13.95 % above the estimated cost of Rs. 97.50Cr

Resolution 4



Deferred - The L1 Bidder, was blacklisted by RBDCK on 06/07/2021 and later Hon'ble High Court quashed the proceedings of the Managing Director, RBDCK on 09/08/2021. As such the committee decided to obtain the remarks of the Finance Department for further action .

II. Ratification

e. RKI - Rehabilitation and Up gradation of Kakkadassery - Kaliyar Road (Length of 20.176km) in Ernakulam District under KfW funding.

The bids were invited for the above work after giving wide publicity in National dailies and in the Kerala e-tender portal on 27.01.2021 with last date of bid submission as on 15.03.2021. The technical bid Opening was conducted on 15.03.2021 at 15.30 hrs. Five bidders submitted the bids. The Evaluation Committee reviewed the technical bids and found that four bidders are substantially responsive in their technical bids and one bidder, M/s VKJ RKIPL (JV) found non responsive due to non submission of tender fee. The Financial parts of the bids were opened on 23.04.2021.

| L. No. | Name of bidder | Quoted price (Rs.) |
|--------|--|----------------------|
| 1 | M/s EKK Infrastructure Limited, Perumbavoor | Rs.69,43,63,235.18/- |
| 2 | M/s Sreedhanya Construction Company, Thiruvananthapuram | Rs.67,91,24,500.61/- |
| 3 | M/s Marymatha- George Elias JV, Marymatha square, Arakkuzha road, Muvattupuzha | Rs.72,81,20,416.04/- |
| 4 | M/s Radiance Realty Developers India Ltd | Rs.71,39,43,992.44/- |

Price quoted by the lowest responsive bidder, M/s Sreedhanya Construction Company, is Rs.67.91 Cr, which is 0.26% above the estimated cost of Rs. 67.74Cr

Resolution 5

The Steering Committee, after detailed discussions, resolved by consensus that:

As per 117th Steering Committee, Resolution No.5 – The action taken by the Project Director, KSTP to issue Letter of Acceptance to M/s. Sreedhanya Construction Company at their quoted amount of Rs.67,91,24,500.61/- including all taxes and duties, GST and maintenance for 5 years is ratified

f. Rebuild Kerala Initiative (RKI) in Thrissur-Kuttippuram road (Length 33.243 km) in Thrissur District under KfW funding.

The bids were invited for the above work after giving wide publicity in National dailies and was published on the Kerala e-tender portal on 12.01.2021 with last date of bid submission as on 26.02.2021 which was extended upto 09.03.2021. The technical bid Opening was conducted on 09.03.2021 at 15.30 hrs. Seven bidders submitted the bids. The Evaluation Committee reviewed the technical bids and found that two bidders, M/s EKK Infrastructure Ltd. and M/s Engineering Projects (I) Ltd. are not responsive in their technical bids since the financial capability/ sources of finance were not demonstrated.

| Sl. No. | Name of bidder | Quoted price (Rs.) |
|---------|----------------------|--------------------|
| 1 | M/s. Ray - PRI. (JV) | 218,44,66,002.20/- |

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| | | |
|---|---|--------------------|
| 2 | M/s. Sreedhanya-Prathmesh (JV) | 247,20,09,467.17/- |
| 3 | M/s Cherian Varkey Construction Co. (P) Ltd | 242,32,45,507.69/- |
| 4 | M/s Marymatha-MKC (JV) | 242,61,61,561.28/- |
| 5 | M/s Gawar-Atcon (JV) | 228,70,61,778.62/- |

Price quoted by the lowest responsive bidder, M/s Ray-PRL (JV) is Rs.218.45 Cr, which is 2.64% above the estimated cost of Rs. 212.82 Cr

Resolution 6

The Steering Committee, after detailed discussions, resolved by consensus that:

As per 117th Steering Committee, Resolution No.5 – The action taken by the Project Director, KSTP to issue Letter of Acceptance to M/s.Ray-PRL (JV) at their quoted amount of Rs.218,44,66,002.20/- including all taxes and duties, GST and maintenance for 5 years is ratified

g. Rebuild Kerala Initiative (RKI) - Rehabilitation and Upgrading of Vazhakkodu – Plazhy Road (2.720 km) in Thrissur District under KfW funding

The bids were invited for the above work after giving wide publicity in National dailies on 04.11.2020 and in the Kerala e-tender portal on 12.02.2021 with last date of bid submission as on 29.03.2021. The technical bid Opening was conducted on 29.03.2021 at 15.30 hrs. Six bidders submitted the bids. The following 3 bidders found non responsive.

- M/s. Tarmat Ltd - cash flow from operating activities is negative and credit facility from bank was not produced.
- M/s KMC Constructions Ltd – The working capital is negative and credit facility not submitted.
- M/s Midland Engineering – M/s Udayshivkumar Infra JV – original bid submission was incomplete

The Financial part of the bids was opened on 22.07.2021

| Sl. No. | Name of bidder | Quoted amount in INR (Including Taxes and Maintenance Cost) |
|---------|--|---|
| 1 | M/s. EKK Infrastructure Ltd | 105,38,26,314.51/- |
| 2 | M/s. Marymatha Infrastructure Pvt. Ltd | 107,07,65,520.02/- |
| 3 | M/s. Antech- PRL (JV) | 109,38,25,647.4/- |

Price quoted by the lowest responsive bidder, M/s. EKK Infrastructure Ltd is Rs.105.38 Cr, which is 2.98 % above the estimated cost of Rs. 102.33Cr

Resolution 7

The Steering Committee, after detailed discussions, resolved by consensus that:



As per 117th Steering Committee, Resolution No.5 – The action taken by the Project Director, KSTP to issue Letter of Acceptance to M/s. EKK Infrastructure Ltd at their quoted amount of Rs. 105, 38, 26,314.51/- including all taxes and duties, GST and maintenance for 5 years is ratified

Item No: (04) Extension of Time

- a. **Extension of Project Completion Schedule for the work of Upgrading Punalur to Ponkunnam road (SH 8) Package 8B: Km 29+840 (Konni) to Km 60+000 (Placherry).- EOT - 2.**

The work of “Upgrading Punalur to Ponkunnam road (SH 8) Package 8B: Km 29+840 (Konni) to Km 60+000(Placherry)” was awarded to the contractor M/s EKK Infrastructure Limited for a contract amount of Rs.279,00,00,000. The contract Agreement was signed on 22.08.2019 and the appointed date was declared on 01.11.2019. The scheduled date for completion of the project is 24 months from the appointed date, i.e. on 31.10.2021. As per the decision taken in the 118th Steering Committee all the project milestones has been extended for 104 days. Further, M/s CEG, the Authority Engineer has reported that the Contractor was not able to complete the project as per the approved EOT-1, hence the Contractor submitted **Extension of Time-2 stating the reasons for not completing the project** within the time frame. The contractor M/s EKK Infrastructures Ltd has submitted a request for time extension mentioning the following reasons and AE’s opinion is as follows

Delay Event 1 : Ban on Excavation. ‘Authority’s Engineer’ has opined that on an average, the request of EPC Contractor for consideration of **16 days** can be contemplated on account of **Ban on excavation**

Delay Event 2 : Heavy and continuous Rain : In view of the clause(*Pursuant 21.2.*)**excess rainfall** may not be considered as extreme weather condition nor cyclone

Delay Event 3 Out break of the Pandemic COVID 19 second wave: The Authority’s Engineer has opined that the contractor is entitled for extension of time during the following months and recommends **40 days** (From 8thMay 2021 to 16thJune 2021)

Resolution 8

The Steering Committee, after detailed discussions, resolved by consensus that:

The project milestones 2,3 and completion period is extended as tabulated below for 56 days as per clause 6 of schedule J.

Decided that Extension time of 56 days as per AE’s Recommendation

| Sl. No. | Description | As per contract | Revised Milestone / EOT(Recommended) | Delay days eligible as per Agreement | Extension as per new request |
|---------|-------------|-----------------|--------------------------------------|--------------------------------------|------------------------------|
| 1 | Milestone 1 | 17.08.2020 | 29.11.2020 | | |
| 2 | Milestone 2 | 14.01.2021 | 28.04.2021 | 56 | 23.06.2021 |

| | | | | | |
|---|-------------|------------|------------|----|------------|
| 3 | Milestone 3 | 08.06.2021 | 20.09.2021 | 56 | 15.11.2021 |
| 4 | Completion | 31.10.2021 | 12.02.2022 | 56 | 09.04.2022 |

b. Package IIB – Extension of time for completion of Koottupuzha Bridge and its approaches.

The Upgradation work of Kalarode-Valavupara road (IIB) was awarded to the contractor M/s GHV-EKK (JV), Ernakulam for a contract amount of Rs 209,68,48,832. The work commenced on 26-09-2016. The 111th Steering Committee had approved Extension of time for construction of Iritty Bridge and its approaches up to 31/07/2020 and for construction of Koottupuzha Bridge and its approaches up to 30/04/2021. But the contractor failed to complete the work of Koottupuzha Bridge and its approaches within the approved time, i.e. upto 30/04/2021. The contractor has submitted the work programme for completion of works by 30/09/2021

The final conclusion of the Employer (KSTP) is as follows,

The Standing Committee of National Board for Wild Life (NBWL) has granted clearance for the construction of the balance works at Koottupuzha Bridge in the month of April 2020. Accordingly, letter dated 23/04/2020 was issued to the Contractor for resuming the works at Koottupuzha Bridge.

GoI and Govt. of Karnataka have issued in principle Stage-I approval for diversion of 0.177 ha of Forest land in Brahmagiri Wildlife Sanctuary in Madikeri Wildlife Division in Kodagu District. It was instructed to the user agency to pay an amount of Rs.9,23,055/- as Net Present Value of the forest land. Accordingly, amount was disbursed to the KSTP Division, Kannur on 23/09/2020 for making payment to the forest department through Parivesh portal. Forest Range Officer, Brahmagiri Wild Life, Makkutta permission has been granted by the Forest Range Officer, Makkutta for undertaking the bridge construction works. The delay in construction works has occurred due to delay in obtaining NOC from Karnataka Government.

The work 'Upgradation of Kalarode-Valavupara Road' is included in the CM's 100 days programme for inauguration by 15/09/2021. In view of the analysis for delay made by CSC, and considering the fact that delay is not fully attributed to the Contractor the Employer is in the opinion that, the Contractor may be granted EOT upto 31/08/2021.

Resolution 9

The Steering Committee, after detailed discussions, resolved by consensus that:

Extension of Time is granted upto 30/09/2021 for the completion of Koottupuzha Bridge and its approaches

c. Extension of Project Completion Schedule for the work of BC overlay of Adoor to Chengannur road (Part of SH-I) Km 93+400 (Adoor) to Km 117+200 (Chengannur)

The work of "BC overlay of Adoor to Chengannur road (Part of SH-I) Km 93+400 (Adoor) to Km 117+200 (Chengannur)" was awarded to the contractor M/s EKK Infrastructure Limited for a contract amount of Rs.98,10,00,000/-. The contract Agreement was signed on 24.01.2020 and the appointed date was declared on 30.03.2020. The scheduled date for completion of the project is 12 months from the appointed date, i.e. on 30.03.2021. The 118th Steering Committee meeting held on 24/05/2021 has approved the extension of project completion schedule for a period of 120 days, i.e. up to 28.07.2021 on account of force majeure event as per clause 21.6.3 subject to the condition that no price escalation will be allowed on this account. The contractor has informed that even if the

construction works can be completed within the scheduled time period, the road furnishing activities such as road marking etc. will be possible only after the monsoon and requested further extension for project completion up to 31.12.2021

| Sl.No | Particulars | Reference period | | Total Delay (Days) |
|------------------------------|--------------------------------|------------------|------------|--------------------|
| | | From Date | To Date | |
| 1 | Ban on excavation | 01.11.2020 | 31.05.2021 | 35 |
| 2 | Heavy and continues rain | 01.11.2020 | 31.05.2021 | 47 |
| 3 | Outbreak of pandemic COVID 19 | 01.11.2020 | 31.05.2021 | 44 |
| 4 | Delay in shifting of utilities | 01.11.2020 | 31.05.2021 | 14 |
| 5 | Delay in approvals | 01.11.2020 | 31.05.2021 | 60 |
| Total number of days delayed | | | | 200 |

Recommendation of the Authority's Engineer

Delay Event 1: Ban on excavation Recommendation: *In spite of above facts, Contractor carried some other activity at site, apart from excavation. Still Claims for Extension of time may be considered. Hence, 'Authority's Engineer' is opined that on an average, the request of EPC Contractor for consideration of 16 days can be contemplated on account of Ban on excavation*

Delay Event 2: Heavy and continues rain Recommendation: *Based on the above facts, Contractor's claims for Extension of time is untenable. Hence, 'Authority's Engineer' is opined that Heavy rain cannot be contemplated on account of extremely adverse weather condition*

Delay Event 3: Outbreak of pandemic COVID 19 Recommendation: *Based on the above facts, Contractor's claims for Extension of time can be considerable. Hence, 'Authority's Engineer' is opined those 40 days can be contemplated on account of Outbreak of the Pandemic COVID 19 Second wave*

Delay Event 4: Delay in shifting of Utilities (BSNL Cables) Recommendation: *Based on the above facts, Contractor's claims for Extension of time is untenable. Hence, 'Authority's Engineer' is opined that no delay can be contemplated on account of Utility Shifting.*

Delay Event 5: Pending Decision/ Approval Recommendation: *Contractor's claims for Extension of time is untenable. Hence, 'Authority's Engineer' is opined that no delay can be contemplated on account of Pending Decision/ Approval.*

| Delay event | Particulars | Reference Period | | Delay days | Remarks |
|-------------|-------------------------|------------------|------------|------------|---|
| | | From | To | | |
| 1 | Ban on Excavation | 13.03.2021 | 08.04.2021 | 16 | Notified by the District Election Authority however the agency had carried out miscellaneous works. |
| 2 | Heavy & Continuous rain | | | 0 | Not Entailed |

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| | | | | | |
|-------------------------------------|--------------------------------|------------|------------|-----------|--------------------------|
| 3 | Outbreak of pandemic COVID 19 | 08.05.2021 | 16.06.2021 | 40 | Due to Pandemic outbreak |
| 4 | Delay in shifting of Utilities | | | 0 | Not Entailed |
| 5 | Delay in approvals | | | 0 | Not Entailed |
| Total number of days delayed | | | | 56 | |

Recommendation of KSTP

Since the project scope is limited to BC overlay, no utility shifting works needs to be carried out by the contractor. As such, the extension of 16 days recommended by Authority's Engineer on account of ban on excavation need not be considered.

The milestone 2 and 3 had already been achieved by the contractor within the grace period of 1 month from the revised milestone approved by the Steering Committee. As such, 40 days extension recommended by Authority's Engineer on account of force majeure event as per Clause 21.6.3 need not be considered for Milestone 2 & 3

Resolution 10

The Steering Committee, after detailed discussions, resolved by consensus that:

- *The Project Completion Schedule is extended as tabulated below for 40 days on account of Force Majeure event as per clause 21.6.3.*

| Sl. No | Description | Target of financial milestone | As per contract | Revised Milestone/ EOT as per 118 th Steering Committee | Delay days eligible as per Agreement | Extension as per new request |
|--------|-------------|-------------------------------|-----------------|--|--------------------------------------|------------------------------|
| 1 | Milestone 1 | 20 % | 22-08-2020 | 20-12-2021 | | |
| 2 | Milestone 2 | 55 % | 05-11-2020 | 05-03-2021 | | |
| 3 | Milestone 3 | 75 % | 19-01-2021 | 19-05-2021 | | |
| 4 | Completion | 100 % | 30-03-2021 | 28-07-2021 | 40 | 06.09.2021 |

d. Extension of Project Completion Schedule for the work "Upgrading of Painavu – Thannikandom Ashokakavala (km.0+000 to 21+000) on EPC under RKP"

The work "Upgrading of Painavu – Thannikandom–Ashokakavala on EPC under RKP" was awarded to the contractor M/s EKK Infrastructure Limited for a contract amount of Rs.95,40,00,000. The contract Agreement was signed on 24/01/2020 and the appointed date was declared on 30/04/2020. The scheduled date for completion of the project is 12 months from the appointed date, i.e. on 29/04/2021. The contractor requested extension of time for 145 days. Subsequently, based on the recommendation of Authority's Engineer, the 118th Steering has approved the extension of project completion schedule for a period of 120 days, i.e up to 27.08.2021 on account of force majeure event as per clause 21.6.3 subject to the condition that no price escalation will be allowed on this account. The

contractor has informed that they are not in a position to achieve the milestones as per the revised schedule and requested further extension for project completion up to 09/04/2022 along with delay events

Recommendation of the Authority's Engineer

Delay Event 1: Ban on excavation Recommendation: Based on the above facts, Contractor's claims for Extension of time may be considered. Hence, 'Authority's Engineer' is opined that the request of EPC Contractor for consideration of 14 days can be contemplated on account of Ban on excavation

•Delay Event 2: Heavy and continues rain Recommendation: Based on the above facts, Contractor's claims for Extension of time is untenable. Hence, 'Authority's Engineer' is opined that Heavy rain cannot be contemplated on account of extremely adverse weather condition

Delay Event 3: Outbreak of pandemic COVID 19 Recommendation: Based on the above facts, Contractor's claims for Extension of time can be considerable. Hence, 'Authority's Engineer' is opined those 40 days can be contemplated on account of Outbreak of the Pandemic COVID 19 Second wave.

Delay Event 4: Delay in shifting of Utilities Recommendation: Based on the above facts, Contractor's claims for Extension of time can be considered. Hence, 'Authority's Engineer' is opined that 55 days can be contemplated on account of Utility Shifting.

The final conclusion of the Authority's Engineer is as follows

As per the Clause 21.6.1, upon the occurrence of any Force Majeure after the appointed date, the Costs incurred and attributable to such event and directly relating to this agreement shall be allocated and paid as follows:

(a) Upon Occurrence of Non-Political event , the parties shall bear their respective Force Majeure costs and neither party shall be required to pay to the other party any costs thereof:

However, Project completion Schedule for and in respect of the affected works shall be extended on a day to day basis for such period as performance of the contractor's obligations is affected on account of Force Majeure event or its subsisting effects” .

Hence, the EOT for 69 days shall be considered under Force majeure event as per clause 21.6.3 and remaining EOT for 55 days shall be considered under clause 10.5.1(d) of extension of time for completion.

Conclusion by the Authority (KSTP)

The delay in approving the utility shifting estimates is mainly due to non-submission of estimates by the KWA and KSEB on time. The KSTP has made all the efforts to obtain the utility



shifting estimates soon after declaring the Appointed Date for the work. Approval of Utility Shifting Estimates has been done on time by KSTP and necessary supervision charges have also been paid to the utility departments. During the site visit by the CE, KSTP the legislative members of the area has requested for widening and curve improvement of the project road at certain locations by obtaining land from the inhabitants on free surrender basis. The boundary demarcation through revenue department is under process. 14 days EOT recommended by the Authority's Engineer on account of ban on excavation shall not be considered as the excavation works for the project road is almost completed. The commencement of works was delayed due to various reasons and the work is progressing now. As per the present progress about four months is required to complete the balance works. Considering these facts, KSTP is of the opinion that, project completion may be extended by 124 days

Resolution 11

The Steering Committee, after detailed discussions, resolved by consensus that:

The Project milestones 2,3 and Completion Schedule is extended as tabulated below for 124 days for completion of balance works.

| Sl. No. | Description | As per contract | Revised Milestone as per EOT -1 | Delay days eligible as per Agreement | Proposed date of Milestone as per EOT-2 |
|---------|-------------|-----------------|---------------------------------|--------------------------------------|---|
| 1 | Milestone 1 | 22-09-2020 | 20-01-2021 | 120 | |
| 2 | Milestone 2 | 06-12-2020 | 05-04-2021 | 124 | 07-08-2021 |
| 3 | Milestone 3 | 19-02-2021 | 19-06-2021 | 124 | 21-10-2021 |
| 4 | Completion | 30-04-2021 | 27-08-2021 | 124 | 29-12-2021 |

c. Extension of Project Completion Schedule for the work of Upgradation of Alappuzha – Changanassery Road in to Semi Elevated Highway on EPC Mode under Rebuild Kerala Initiative.

The work of “Upgradation of Alappuzha – Changanassery Road in to Semi Elevated Highway” was awarded to the contractor M/s ULCCS-EVRASCON(JV) for a contract amount of Rs. 649, 76, 86,775/-. The contract Agreement was signed on 27.10.2020 and the appointed date was declared on 29.12.2020. The scheduled date for completion of the project is 30 months from the appointed date, i.e. on 29.06.2023

The Contractor mentioning about the causes for delay in commencement of work that are attributable to the force majeure event and Authority of the following events:

- i. Delay in Appointment of Authority's Engineer
- ii. Delay in approval of drawings



- iii. Tree felling and insufficient width in RoW
- iv. Delay due to change in sub soil stabilization Engineering and Methodology
- v. Suspension of work due to election
- vi. Lockdown due to COVID-19 pandemic
- vii. Utility shifting

Recommendation of the Authority's Engineer

The Authority's Engineer has analyzed each delay in details and has given their remarks vide letter no VSPL/TRB/2021-041/KSTP/057 dated 21.08.2021 and recommended allowable extension of time. Pursuant to clause 6 –Extension of time of Schedule J, *“Upon extension of any or all of the aforesaid project milestone or the scheduled completion date, as the case may be, under and in accordance with the provisions of this Agreement, the project completion schedule shall be deemed to have been amended accordingly”*.

| Project Milestone | As per Contract | | As per Recommended EOT-1 | | Remarks |
|----------------------|---|----------------|---|-----------------------|---------|
| | Description (Days from Appointed Date) | Scheduled Date | Description (Days from Appointed Date) | Revised Schedule Date | |
| Milestone I | 180 | 27.06.2021 | (180+153) =333 | 26.11.2021 | |
| Milestone II | 360 | 24.12.2021 | (360+153) =513 | 25.05.2022 | |
| Milestone III | 540 | 22.06.2022 | (540+153) =693 | 21.11.2022 | |
| Milestone IV | 720 | 19.12.2022 | (720+153) =873 | 20.05.2023 | |
| Scheduled Completion | 912 | 29.06.2023 | (912+153) = 1065 | 28.11.2023 | |

Resolution 12

The Steering Committee, after detailed discussions, resolved by consensus that:

The Project Completion Schedule is extended as tabulated above for 153 days



Item No: (05) OPBRC Package II -Output and Performance based Road Contract for Core Road Network in Kerala- Ponkunnam -Thodupuzha Road & Munnar Topstation Vattavada Road.

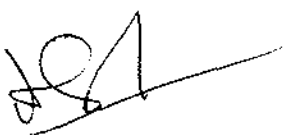
Output and Performance Based Road Management Contracts (OPBRC) has been introduced in Kerala with the assistance of World Bank under PforR (Program for Result) as sustainable road maintenance management practice. The economics of road maintenance is a key consideration in the entire gamut of road maintenance management. This novel contract for the maintenance of road will increase the efficiency and effectiveness of Road Asset Management by up keeping the road in specified service level condition during the entire period of the contract. Vide G.O.(Ms)No.28/2020/PWD Dated, Thiruvananthapuram, 27/02/2020 Government have accorded sanction for the implementation of the Output and Performance Based Road Management Contracts (OPBRC) for Core Road Network of Kerala for a period of 5 years (extendable to 7 years) costing Rs 223.15 crores over a period of 7 year. The DPR preparation of OPBRC projects were entrusted to Project Preparation Unit under Design Wing PWD with the assistance of the Road Maintenance Wing PWD for investigation and data collection. Out of five packages, in this OPBRC Package II (89.81km), two roads are included. The details of the roads are as follows:

1. Ponkunnam – Thodupuzha Road (Km 84/000 to 134/000)
2. Vattavada – Top Station (Km 0/000 to 32/150) & Top Station to Munnar (Km 0/000 to Km 7/660)

Total length of road proposed under this package is 89.81 km.

The bid was published through the Kerala e-tender portal on 27.08.2020 with bid submission due date as 30.09.2020. Bid received from only one bidder- M/s Theruvath Builders. The 117th Steering Committee directed to retender the subject work as it was single bid in first tender and amount quoted was also beyond reasonable (30.6% above estimate & further negotiated to 23.74%). The retender was published through the Kerala e-tender portal on 22.01.2021 with bid submission due date as 22.03.2021 (extended from 22.02.2021). The Bid Opening was conducted on the date and time as scheduled on 22.03.2021 15.30 hrs. Bid received from only one bidder- M/s Raji Mathew & Co. The combined price for the Initial Rectification, Periodic Maintenance and Minor Improvement Works is Rs. 47,99,98,810.91/- which is less than 48 Cr as per ITB 34.6 in BDS of RFP

The DPR has been prepared as per DSR 2016. There was no good response for the bid invitation. Only one bidder responded to the bid invitation for the first tender. The subject work was retendered as per the 117th Steering Committee as it was single bid in first tender and amount quoted was also beyond reasonable (30.6 % above estimate & further negotiated to 23.74%). The quoted amount in re-tendered work is 21.58% above the estimate cost as per DSR 2016. The estimate amount revised as per DSR 2018 comes to Rs 78.505 Cr. The quoted amount of Rs 83,40,04,837.91 is 6.23% above estimate amount as per DSR 2018. The already awarded work, OPBRC under Package 03 in Kollam-Ayoor, Kayamkulam-Mavelikkara-Thiruvalla, K P Road from Kayamkulam to Aloor, Thrikkunnipuzha-Thattarambalam, Pandalam-Kaipattoor in Kollam, Alappuzha, Pathanamthitta Districts of Kerala was 14.89 % above estimated cost as per DSR 2016 and in partially rolling terrain. Further, OPBRC is a new concept in Kerala PWD with no prior experience in state. As the bidding process is valid and the bid was satisfactorily advertised with the qualification criteria not unduly restrictive and considering all the facts mentioned above, and as the work being an OPBRC contract to be executed in a rolling terrain with seven years maintenance period, there is lesser chance for getting a better offer than this if retendered. Hence this may be considered for acceptance.



Resolution 13

The Steering Committee, after detailed discussions, resolved by consensus that:

The proposal of M/s Raji Mathew & Co. for a total amount of Rs. 83,40,04,837.91/- (amount without emergency work Rs. 77,16,44,980.91) which is 21.58% above the estimate cost as per DSR 2016 and 6.23% above DSR 2018 including all local taxes, is accepted

Item No: (06) MC Road- Safe Corridor Demonstration Project- BC Overlay & Road Safety Works including Maintenance Contract for Five years from Kazhakuttom to Adoor-ratification on proportionate Liquidated Damages.

The Safe Corridor Demonstration Project from Kazhakuttom to Adoor was awarded to the contractor M/s GHV-EKK JV for a contract amount of Rs.146,67,38,745/-The work commenced on 28.12.2016 and the original completion period expired on 27.04.2018.the time of completion was extended up-to 27.04.2019 as per the decision of the 101st steering committee meeting held on 07.05.2018 and further extended to 30.09.2019 as per the decision of the 107th steering committee meeting held on 04.07.2019. The work was completed on 12.04.2021.Extension of Time of Completion from 01.10.2019 to 31.12.2019 was approved by the Steering Committee meeting (109th)

"Extension of time granted up to 31st December 2019 and to impose delay damages as per the Contract agreement conditions for works which are delayed due to reasons attributable to the Contractor."

From the report of Construction Supervision Consultancy, the total value of balance works which involves delay due to reasons attributable to Contractor as on 31.12.2019 was Rs.16.32 crore and the same was executed during the period from 01.01.2020 to 12.04.2021. Permission may be granted for imposing proportionate liquidated damages for the period from 01/10/2019 to 12/04/2021 on the work which was delayed due to the reasons attributable to the contractor

Resolution 14

The Steering Committee, after detailed discussions, resolved by consensus that:

Proportionate LD is imposed for works done beyond 01/10/2019 that got delayed due to reasons attributable to the contractor.

Item No: (07) Request of Smt. Monisha Mohan in order to remove earth from KSTP puramboke land in Vettikkavala Village, Kottarakkara, Kollam

The request of Smt.Monisha Mohan from Kollam District is to grant NOC and permission to remove ordinary earth from KSTP road puramboke in front of the property of the petitioner and related issues. The petitioner is the owner holding the possession of the landed in the Vettikkavala Village in Kottarakkara Taluk in Kollam District. She has obtained a Building Permit from the Vettikkavala Grama Panchayath for the construction of a residential building in the said property and a Development Permit for excavating and removing earth from her property. A road puramboke land belonging to KSTP is situated at a higher level than the property of the petitioner and the public road. . Therefore the petitioner submitted an application before KSTP, seeking NOC for the purpose. This application was forwarded to Government for a decision. As per the direction of the Hon'ble Court, the petitioner was heard by the Deputy Secretary, Public Works Department on behalf of 1st respondent, Secretary PWD on 06/03/2021. She has also submitted application before the Geology Department (Kollam) for



removal of earth. Government have examined the matter with all available details furnished by Chief Engineer, KSTP and the petitioner. If a pathway of 5m is given to the petitioner retaining the balance earth of 11 metre height is very difficult and there is possibility of dangerous land slide as the embankment gets disturbed and may not retain in its original intact capacity . Moreover there is every chance to use the puramboke land as pathway to the petitioner's plot. Hence the matter is placed before the steering committee as directed in the GO (Rt) No.512/2021/PWD Dated 03/05/2021

Resolution 15

The Steering Committee, after detailed discussions, resolved by consensus that:

The location falls on a very sharp curve on the LHS of MC road at Valakom Mercy Hospital Junction, Kottarakkara, Kollam. It is a high solid embankment and the boundary of the Govt. land is almost 3.50m away from the present carriage way and the stretch is 15m long. The petitioner's property is behind the Govt. land and the request is to demolish the high embankment. If the earth is removed as detailed above, it may lead to accidents in that location as that stretch of road is having sharp curve and also there is possibility, to use the puramboke land as a pathway towards petitioner's plot. Hence the request of the petitioner Smt. Monisha Mohan is rejected due to the above cited reasons.

Item No: (08) Approval of Annual Financial Statements.

The Annual Financial Statement of Kerala State Transport Project for the period 01.04.2020 to 30.04.2021 is placed before the Steering Committee. On approval, the same shall be submitted to the Accountant General of Kerala for audit certification. World Bank had approved for front loading whereby reimbursement rate was changed from 56% to 81%. With that the full loan was claimed.

Resolution 16

The Steering Committee, after detailed discussions, resolved by consensus that:

The Annual Financial Statement of KSTP for the period 01.04.2020 to 30.04.2021 is approved.

ItemNo:(09) Finalization of the Alignment &PreFeasibility Approval for the development of Skywalks in the Central Business District (CBD) area of Thiruvananthapuram, Kerala

The Sub-Committee comprising of Additional Chief Secretary, Finance Department, Additional Chief Secretary, Water Resources Department and Principal Secretary, Revenue Department, as per the decision of the 118th Steering Committee was held on 12th August 2021.

Subcommittee recommendation

1. The SKYWALK project may be taken up for a length of 2800 m, including the secretariat portion.
2. The alignment proposed from Thampanoor, over bridge junction, Kizhakkekkotta, and then, from overbridge junction to Secretariat south through MG road and then to Secretariat annex building through the backside of the secretariat, may be approved.
3. The pre-feasibility report prepared may be approved and directions issued to proceed with the preparation of the feasibility report for the approved alignment.



4. The Committee also recommends that the LA for the entry-exits along the stretch to be restricted only to the plots with government ownership & thus reducing the LA cost to bare minimum.
5. Possibility of reducing the no of entry-exits along the stretch & other cost reduction techniques using value-engineering was also recommend as a measure to recued the cost to a suitable value within the range of 120-130 Cr in the further stage.
6. Recommended to conduct Stakeholder consultation for the approved alignment to get the concerns & suggestions of the various authorities & stakeholders.

Resolution 17

The Steering Committee, after detailed discussions, resolved by consensus that:

- a. *The Alignment option recommended by the sub-committee is finalized & Pre-feasibility report is approved for the development of Skywalk in the CBD area of Thiruvananthapuram, Kerala.*
- b. *Consultant is directed to proceed for the next stage of activities on the approved Alignment.*

Item No: (10) Up-gradation of road from Ponkunnam to Thodupuzha–W P (C) No.23278/2020 filed by M/s GHV-EKK (JV).

The 117th Steering committee held on 08.01.2021 had considered the payment issue of hard rock but deferred the matter. The contractor M/s GHV-EKK (JV) has filed a WP(C) No. 23278/2020 before the Hon'ble High Court. Sri K. V Manoj Kumar, Senior Government Pleader in the fax message dated 02/08/2021((Annexure -17 (Page No.-289)) remarked that a final decision may be taken in this matter in order to file the counter affidavit and the case is now posted to 1st week of September, 2021. In the Writ Petition the Contractor prays for a direction to the respondents to release an amount of Rs.38,09,16,998/- alleged to be payable by the respondents in connection with the work, namely, *the Upgradation of the road from Ponkunnam – Thodupuzha*. It is also submitted that all the amounts due and payable to the contractor under the above contract work have been paid and the claim is made without any basis or reason. The *Upgradation of the road from Ponkunnam (Km 84+000) to Thodupuzha (Km 130+363)* was awarded to the Contractor M/s. GHV-EKK (JV) as per Agreement No.239/KSTP/PMT/PWD dated 05.05.2014 for a contract price of Rs.227,13,73,548/-. The Original completion date was 09.12.2016 and extension of time for completion was allowed up to 30.03.2017 and the Contractor completed the work on 28.03.2017 and the taking over certificate was issued on the same date

Based on the recommendation of the Finance Department, the 107th Steering Committee recommended that payment to be released as per contract conditions for items other than 'hard rock excavation' and as agreed by Chief Technical Examiner and responsibility for allowing variations to be fixed after Post Construction Audit. The Committee has also decided that since the rate proposed by the Employer is not acceptable to the Contractor the matter may be resolved through Arbitration as the Contractor has already approached this Hon'ble Court (AR No.55/2017). The Contractor has already been paid for the item 310-02(b) Hard Rock Excavation as follows-

- i. BOQ item 1850/cum @Rs.6,000.
- ii. 25% above BOQ, for 462.5 cum @Rs.6,000.



Minutes of 119th Steering Committee of Kerala State Transport Project

Payment at the rate of Rs.994.88/cum was allowed for 78136.324 cum. Also in compliance with the above judgement an amount of Rs.6.20 crore, being the balance retention amount was, released to the Contractor. The contractor was paid @ Rs. 6,000/ cum for the BOQ item of 1850 cum, @ Rs.6,000/ cum for 462.5 cum which is 25% in excess of 1850 cum and @ Rs.994.88/cum for 78136.324 cum. Also balance amounts of Rs.1,76,44,459/- and Rs.31,140/- owing to error in the cumulative calculation of the admissible amount were paid on 03.11.2020 and as such no amount is payable to the Contractor

Resolution 18

The Steering Committee, after detailed discussions, resolved by consensus that:

The report is placed before the Steering Committee for favour of information and further necessary direction. The Committee re-iterates the decision taken in 107th Steering committee that since the rate proposed by the Employer is not acceptable to the Contractor the matter may be resolved through arbitration accordingly. ~~decide on the deferred agenda No-12 of 117th Steering Committee~~


Item No: (11) Extension of contract period of Sri.Ravikumar.T, Consultant Sociologist of KSTP, PMT for a period of one year from 01.09.2021.

Resolution 19

The Steering Committee, after detailed discussions, resolved by consensus that:

Service of Sri. Ravikumar. T as consultant sociologist in KSTP(PMT) is extended for a period of one year from 01.09.2021 on a monthly remuneration of Rs.42,500/-.

Meeting concluded at 3PM on 31.08.2021 with thanks to the Chair.


Dr.V P Joy IAS

Chief Secretary

