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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.X.D. DEPARTMENT

G.O. No.	<u>2355-IX.</u>	Press.
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Dated	<u>2.9.1887</u>	<u>198</u>

Not to be folded or roughly handled.

2355

GOVERNMENT OF MADRAS.
PUBLIC WORKS DEPARTMENT.

General.
Establishment.

READ—the following papers :—

From Lieutenant-Colonel J. PENNYCUICK, R.E., Superintending Engineer, VI Circle, to the Chief Engineer, Public Works Department, dated Puthugudi, 18th July 1887, No. 772 T.J.

With reference to paragraph 2 of your No. 2367 C., of 14th instant, I have the honor to state that the practice in this circle has been for the Executive Engineer to issue the notices calling for tenders, to open the latter and select the tender for acceptance, and for the contract to be drawn up in his name, but that the acceptance depends in all cases upon the approval of the Superintending Engineer for sums from Rs. 2,000 to Rs. 20,000, and upon that of the Chief Engineer for sums above Rs. 20,000, the final execution of the contract being dependent upon its acceptance by the Superintending Engineer or Chief Engineer as the case may be.

2. This course appears fully to meet the requirements of paragraph 1350 of the Code. For contracts for sums above Rs. 2,000 to be not only "accepted" (which is the word used in the Code) but "made" by the Superintending Engineer would cause a considerable amount of extra labor, delay and correspondence with no compensatory benefit, if by "made" is meant that the Superintending Engineer should himself open tenders and select the contractor, and that the contract should be made in his name.

Office Note from the Examiner, Public Works Accounts, dated Madras, 19th August 1887, No. 465.

In my opinion the intention of Code paragraphs 1350 and 1352 is that, as regards contracts exceeding Rs. 2,000 in amount, the acceptance of this or that tender should rest entirely with the Superintending Engineer, or, as the case may be, with the Chief Engineer, the duties and powers of the Executive Engineer, in such cases, being limited to opening the tenders and forwarding them *all* with his report and recommendations to the Superintending Engineer, who, in cases of contracts over Rs. 20,000, should forward them with *his* recommendation to the Chief Engineer.

2. It is, I think, intended that the contract, after acceptance of tender by competent authority, should be executed by the Executive Engineer, but should of course embody any conditions as to security, penalty, time, mode of execution, &c., prescribed by superior authority as a condition of acceptance of the tender; and it may be desirable that in some cases (to be specified) the contract should be approved by Superintending Engineer, or, as the case may be, the Chief Engineer before execution by Executive Engineer. Execution by Executive Engineer is implied in the wording of the printed forms of agreement, M. 174, M. 176, &c., and, if this view is accepted, the wording of the last clause of Code 1352 should be altered.

3. If the Superintending Engineer's view is accepted, there seems to be no use in making any distinction between cases to be confirmed by Superintending Engineer

(or Chief Engineer) and cases to be merely reported to the Superintending Engineer (or Chief Engineer).

4. The necessity of making a report to the Superintending Engineer (or Chief Engineer) is, I think, a guarantee that the matter is thoroughly and properly gone into by the Executive Engineer in each case, and seeing that the Executive Engineer may be an Assistant Engineer, or Upper Subordinate, officiating as Executive Engineer, it is not improbable that such a guarantee will often be desirable.

ORDER—dated 2nd September 1887, No. 2355 W., Public Works.

The Government concur in the views expressed by the Examiner, Public Works Accounts, as to the intention of paragraphs 1350 and 1352 of the Public Works Code. These papers will be communicated to all Superintending Engineers for information and guidance.

2. The Examiner will submit a draft standing order altering the last clause of paragraph 1352 of the Code.

(True Extract.)

Captain, R.E.,
Under Secy. to Govt., P.W.D.

To Superintending Engineers.
To the Consulting Architect to Government.
„ Chief Engineer for Irrigation.
„ Examiner, Public Works Accounts.

Exd. J. Moses.
Spare Copies

2355
2

GENERAL.
ESTABLISHMENT.

Govt. of (1887) Madras.
PUBLIC WORKS.

Dated September, 2nd.

Recd.

Encl.

G.O., 2nd Sept. 1887, No. 2355 W.

SEPTEMBER.

Contracts

Orders on correspondence relating to the
procedure to be adopted in regard to the
acceptance of — exceeding Rs. 2,000.

W^c 77² J.J. Office of the Supt. Engineer, Circle,
Pudukkuddy. 18th July 1887.
D/201

From

Lt Col J. Pennywick B2
Supt Engineer, Circle.

To,
The Chief Engineer
P. O. D.

Sir,

With reference to para 2 of your
No 2367 c of 14th Instant, I have the
honor to state that the practice in
this Circle has been for the Executive
Engineer to issue the notices calling
for tenders, to open the latter and
select the tender for acceptance, and
for the contract to be drawn up in his
name, but that the acceptance depends
in all cases upon the approval of the
Superintending Engineer for sums from
Rs 2,000 to Rs 20,000 and upon that of
the Chief Engineer for sums above
Rs 20,000, the final execution of the
contract being dependant upon its
acceptance by the Supt. Engineer or
Chief Engineer as the case may be.

2.

This course appears fully

Para 1350 (b) and

in Index Code

Chap III para 7

1352-2 Index III-9

to meet the requirements of para 1350
of the code - For contracts for sums
above Rs 2000 to be not only "accepted"
[which is the word used in the code]
but "made" by the Sup^r Engineer
would cause a considerable amount
of extra labour, delay and corres-
pondence with no compensatory
benefit, if by "made" is meant
that the Sup^r Engineer should
himself open tenders and select
the contractor, and that the contract
should be made in his name -

I have the honor to be

Sir

Your most obedient servant.

Paul Cunningham

Sup^r Engineer, Circle.

G.O. 34247 7: 2.87

N^o 2460 c of 23rd July 1887.

To

C

for favor of remarks.

W.M.

22.7.87

D.W.

To W.

In my opinion the intention
of Code paras 1350 and 1352 is that,
as regards Contracts exceeding
Rs. 2,000 in amount, the acceptance
of this or that tender should rest
entirely with the Supg. Engineer
or, as the case may be, with the
Chief Engineer, the duties and
powers of the Executive Engineer,
in such cases, being limited to
opening the tenders and forwarding
them all with his report and re-
commendations to the Supg. Engineer,
who, in cases of contracts over
Rs. 20,000, should forward them with
his recommendation to the Chief
Engineer.

2. It is, I think, intended
that the contract, after acceptance

Know.

The Sup^r Engineer

b: Circle.

To.

The Chief Engineer

P. W. D.

N^o 772.T.T.

Dated 18: July 1887.

Contracts - Reports
on the present prac-
tice of accepting
- made by executive
engineers for works
in excess of Rs 2000.

of tender by competent authority, should be executed by the Executive Engineer, but should of course embody any conditions as to security, penalty, time, mode of execution etc. prescribed by superior authority as a condition of acceptance of the tender; and it may be desirable that in some cases (to be specified) the contract should be approved by Supg. Engineer, or, as the case may be, the Chief Engineer before execution by Executive Engineer. Execution by Executive Engineer is implied in the wording of the printed forms of agreement, M. 174, M. 176 etc., and, if this view is accepted, the wording of the last clause of Code 1352 should be altered.

3. If the Supg. Engineer's view as accepted, there seems to be no use in making any distinction between cases to be confirmed by Supg. Engineer (or Chief Engineer) and cases to be merely reported to the Supg. Engineer (or Chief Engineer).

4. The necessity of making a report to the Supg. Engineer (or Chief Engineer) is, I think, a guarantee

that the matter is thoroughly and properly gone into by the Executive Engineer in each case; and seeing that the Executive Engineer may be an Asstt. Engineer, or Upper Subordinate, officiating as Executive Engineer, it is not improbable that such a guarantee will often be desirable.

C.

11/5
28
19/8

Rules regarding "Contracts"

under 500 ~~£~~

23/10

Tenders received by	Tenders accepted by	Contract made by	Reports made to higher authority
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Ex Engr	Ex Engr	Ex Engr	Nil
---------	---------	---------	-----

over 500 ~~£~~ and under 2000 ~~£~~

Ex Engr	Ex Engr	Ex Engr	To S.E.
---------	---------	---------	---------

over 2000 ~~£~~ and under 20,000 ~~£~~

Ex Engr	Supdt Engr	Ex Engr	To Chief Engr if the amount of contract exceeds 5000 ~~£~~
---------	------------	---------	---

over 20,000 ~~£~~

Ex Engr	Chief Engr	Ex Engr	Nil
---------	------------	---------	-----

From the above it seems clear that for every contract over 2000 ~~£~~ the Ex Engr is merely the agent to complete the contract on the behalf of Govt, and that the more important duty of accepting the tender rests with the S.E. or C.E. as the case may be. It is of course optional for a S.E. to himself make a contract if it is within his powers of acceptance, and similarly the Chief Engr might think it desirable to himself make a contract for a large

work such as the Gopalpur pier; in the
agreement could provide for the first part of the
Gangam disburse on the SE of the 1st mile
being the executive agent to from the work.

23.5.57.

It will be sufficient to state that
last clause of para 1352 of Code
as suggested & reply D.S. in the
terms of para 1 of the P.W. Code,
and send copy both
for guidance.

23/5/57.

23.5.57, R.2.9.87

6567.

SW.

Please say if
you agree with
the Escri's views.
It has not been
usual to submit
all tenders for
contracts over
20000. to the
Chief Engineer,
but it is a question
whether the intention of the
Government was or
was not that all
tenders should be
submitted with
the S. E. recom-
mendations.

23/8/87

PUBLIC WORKS DEPARTMENT.

E MADRAS GOVERNMENT.

Under date the 2nd Sept 1887

Read the following

The No 772 J. J. of July 18, 1887
467 of Aug 19.

5

The Government
concur in the views expressed
by the Examiner P.W. Accounts
as to the intention of
paras 1350 & 1352 of the P.W.
Code. These papers will
be communicated to all
Superintending Engineers
for information and
guidance.

2. The Examiner will
submit a draft standing
order

work such as the Gopul
agreements could provide
young men desirous of
being the executive officers

PWC No 6562

It seems to me that the
intention of the Code is to
assign certain powers to
three classes of officers
Chief Engineer, Sub-Engineer
Executive Engineer, to the
respective accepting tenders
and making contracts

Can accept any tender
Chief Eng. up to limits of something
competent to the Govt.
Can either make the
contract himself or
delegate the power to any
Sub-Engineer or Executive Engineer

Can accept any tender
up to 20,000 Rs
Can make a contract
up to 20,000 Rs provided
that, if the amount
exceeds 5000 Rs a
report is made to the
Chief Engineer

Can accept any tender
up to 2000 Rs
Can make a contract
up to 2000 Rs provided
that, if the amount

PUBLIC WORKS DEPARTMENT.

E MADRAS GOVERNMENT.

UNDER date the 2nd Sept 1887

Read the following

W. No 772 J. J. of July 18, 1887
467 of Aug 19

5

The Government
concur in the views expressed
by the Examiner P.W. Accounts
as to the intention of
paras 1350 & 1352 of the P.W.
Code. These papers will
be communicated to all
Superintending Engineers
for information and
guidance.

2. The Examiner will
submit a draft standing
order

No 2355 W

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 2nd Sept 1887

Read the following

Letter from J. E. V. Cole (P.W. No 772 J. J. of July 18, 1887)
O.N. from the Ex. P.W. Secy (No 467 of Aug 19)

5

The Government
concur in the views expressed
by the Examiner P.W. Accounts
as to the intention of
paras 1350 & 1352 of the P.W.
Code. These papers will
be communicated to all
Superintending Engineers
for information and
guidance.

2. The Examiner will
submit a draft standing
order

1778
20 am

X/enc

ends 500 Rs. a report is
made to the S.E.

This agrees with the opinion
of the Examiner vide para I
of his note on the subject;
as far as the acceptance of
tenders is concerned.

Practically all contracts
are executed by the Tax Engr
concerned, and the last
clause of para 1352 of the
Code should be altered
accordingly -

As regards the approval
of contracts by the S.E. or
Chief Engr, before the Engr
executes the contract; I
think it should be optional
of the S.E. or C.E. to require
that the form of agreement
of the land to be used after is
been drawn out by
the Tax Engr -

I have tabulated the procedure
with regard to "contracts" in
the P.W., on the accompanying
paper.

W. S. S.
23.8.87

order altering the last
clause of para 1352 of
the Code.

Mr. H. P. D. Montebello

Jan
29/1/87

8/19

Dec'd
10/9/87

Supdy Engineers ✓
C. A. to Gt. ✓
C. E. for Spring ✓
E. & P. Accts ✓

Can All 157 m
Aug 29 1887
R. E. 2-9-87

235/10

27-8-02 ✓

6567

Govt. of (1887) Madras.

PUBLIC WORKS.

Rated.

Recd.

3/9/8

Encl.

G.O., 2/9/ 1887, No. 2355 W

Contracts

Order on Correspondence
relating to the procedure
to be adopted in regard
to the acceptance of
— exceeding Rs 2000.

170
—
12

170