




Hospital Architectural Planning and Designing - Part 4

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Contract

- What is a contract?
 - When two or more persons have common intention communicated to each other to create some obligation between them, there is said to be an agreement
 - An agreement which is enforceable by law is a contract
 - Section 10 of the Indian Contract Act, 1872 lays down which agreements are enforceable by law

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Tender

- Definition
 - FIDIC (1987) gives the following definition of “tender”
 - *“Tender means the Contractor’s priced offer to the Employer for the execution and completion of the Works and the remedying of any defects therein in accordance with the provision of the Contract, as accepted by the Letter of Acceptance”*

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Tender

- There are different tendering process for different types of tenders
- The three different types of tendering methods are:
 - Open Tendering
 - Selective Tendering, and
 - Negotiated tendering

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Tender

- Open Tendering Process in India
- The tendering process comprises various stages
 - Stage 1
 - The first includes the pre-qualification stage
 - In this stage the client lays down criteria for qualifying for the work being tendered
 - It enables the client to drastically reduce the number of bidders and select only the capable bidders

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Tender

- Stage 2
 - Second stage is the tender invitation phase.
 - Client publishes or issues invitations to shortlisted bidders or to the public
- Stage 3
 - This is the tender clarification and addenda phase
 - Client responds to the queries raised by the bidders in writing
 - Possible tender addendum may also be issued amending parts of the tender document

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Tender

– Stage 4

- It is tender offer/bid submission phase
- Bids are presented in the form specified
 - Usually bids are submitted in sealed envelopes as required by the client
- Tender opening takes place on the specified date time and place in presence of bidder's representative
- Post tender clarification - where client after going through the tender seeks clarification from the bidders, if required

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Tender

– Stage 5

- This is the award phase
- The client issues an acceptance letter to the successful bidder
- This is usually but not always the lowest bidder.

– Stage 6

- This is the formalization of contract
- Necessary documents are signed to formalize the agreement

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Tender

• Selective Tendering Process

- This tendering process only allows suppliers to submit tenders by invitation
- A pre-selected list of possible suppliers is prepared that are known by their track record
 - The list is specific for the size, nature and complexity of the type of project
- The interested contractors are invited to tender
- Generally not more than 6 bidders are invited
- From the submitted tenders based on criteria such as cost and quality and negotiation entered into

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Tender

– Consultants or experienced clients may maintain approved list of prospective contractors

- The list is appropriate for specific types of contract
- The list is regularly updated on assessment of performance

– Selective tendering may be particularly appropriate for specialist or complex types of contract

- In these cases, usually there are only a few suitable firm

– This type of tendering is faster and less wasteful

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Tender

• Negotiated Tendering Methods

- Here the client invites a contractor of his choice
- Usually this is for specialized work
 - Also this may be
 - when a particular equipment is required as an extension of existing work
 - For further work following a previous contract
- Sometimes negotiated tenders can be used when there is a very tight deadline
- Also when emergency work is necessary

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Bid Documents

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Bid Documents

- FIDIC is the International Federation of Consulting Engineers.
 - It was formed in 1913, with the objective of promoting the interests of consulting engineering firms globally
 - It is best known for its range of standard conditions of contract for the construction, plant and design industries.
 - The FIDIC forms are the most widely used forms of contract internationally, including by the World Bank for its projects.

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Bid Documents

- In India, some public organization such as NHAI use the World Bank forms
- Central PWD uses forms for bid documents developed by them
- American Institute of Architects have developed forms which are used where the AIA provides the consultancy services

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Bid Documents

- The widely used World Bank forms contains the following standard documents for bidding by the contractors for procurement of works:
 - Invitation for Bids
 - Instruction to Bidders
 - Forms of Bid, Qualification Information, Letters of Acceptance and Agreement
 - Condition of Contract
 - Contract Data
 - Specification
 - Drawings
 - Bill of Quantity
 - Security Terms

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Legal Formalities

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Laws, Regulations For Construction

- The National Building Code, 2005 is the only code that is applicable to construction in India
- Most of the states/municipalities have building byelaws
 - As per municipal bye-laws, it is mandatory to seek approval from the concerned local body before start of construction
 - During the process of approval various other NOCs/ Approvals from Autonomous bodies & Ministries are required
 - Without these approvals, final local body approval cannot be obtained
- The Model Building Bye-Laws, 2016 have been published by the Town and Country Planning Organisation of Ministry of Urban Development

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Laws, Regulations For Construction

- Building Bye-Laws are legal tools used to regulate
 - coverage, height, building, bulk, and architectural design and construction aspects of buildings
 - This is to achieve orderly development of an area.
 - They are mandatory in nature
 - It serves to protect buildings against
 - fire,
 - earthquake,
 - noise,
 - structural failures ,and
 - other hazards.

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Laws, Regulations For Construction

- The purpose of the building bye-laws is
 - To guide many small and medium towns which do not have building bye-laws
 - In absence of any regulatory mechanism such towns face the hazards of unregulated development such as
 - Excessive coverage
 - Encroachment
 - Chaotic conditions, and
 - Inconvenience for the users
- This can help to guide the state Governments and other local bodies

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Laws, Regulations For Construction

- Requirement of Local approvals and Clearances vary from local body to local body
- For Kolkata, the following are required:
 - A. PROJECT Feasibility / Pre-sanction Stage**
 - 1. Land use plan approval**
 - This is required from the local body and the Ministry of Urban Development

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Laws, Regulations For Construction

- 2. Approval for change in land use**
 - This is required from local body & the M of UD
 - This is required when the land use shown in the Master plan / Zonal plan is to be changed
- 3. NOC for construction / augmentation**
 - Applicable to any departmental residential pool accommodation by a Ministry/Department is required from the Directorate of Estate, M of UD

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Laws, Regulations For Construction

- 4. Relaxation in respect of density / ground coverage / FAR / Setbacks / Height**
 - Relaxation of norms as prescribed in bye-laws is required from local bodies and the State Ministry of UD for projects of National Importance / Public works
- 5. Approval From Airport Authority of India**
 - No Objection Certificate (legal document) is required for height clearance of Buildings / Structures / Masts from the Directorate of Air Traffic Management, Airport Authority of India
 - Required when the project lies within 20 kms radius of Air strips / funnel

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Laws, Regulations For Construction

- 6. NOC for Construction Near Coastal Regulation Zone**
 - No Objection Certificate is required when the land is near the coast / CRZ as construction is not allowed up to 500 metres from the high tide line of the sea or 100 metre from the river Hooghly

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Laws, Regulations For Construction

- B. SANCTION STAGE**
 - 7. Layout Plan / Local Area Plan / Urban Design Plan**
 - Local Body Approvals
 - Approval is required from the local authority and local body under the provisions of local building bye-laws and Local Body Acts
 - 8. Approval from National Monument Authority**
 - Required from NMA / Archeological Survey of India when the site is within 300 M radius from the declared boundary under the NMA Act
 - This is under control of ASI

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Laws, Regulations For Construction

9. Approval from Forest department
- Approval is required from the State Forest Department/ Municipal Corporation
 - For tree cutting/Felling and Transplantation at the site
10. Approval From Heritage Conservation Committee or Appropriate Authority
- When the project has any link / relation with any listed heritage building and precincts and within their compound

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Laws, Regulations For Construction

11. Approval From Railway Authority / Port Trust
- When the project site is along the railway corridor / within the jurisdiction of Kolkata Port Trust respectively
12. Approval from Road Owning Agency (KMC/ PWD/ KMDA/ NHAI)
- NOC required when cutting footpath or road or service lane or Right of Way is involved

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Laws, Regulations For Construction

13. Approval from Survey & Valuation Dept (Municipal)
- In order to check the alignment with road width and to fix the Floor Area Ratio and the height
14. Approval from Chief Fire Officer
- Required at layout plan stage as stipulated in the local building bye-laws and NBC
15. Approval from Chief Controller of Explosives
- In case of hazardous building or for storing of hazardous materials in the buildings

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Laws, Regulations For Construction

16. Environment Clearance from Ministry of Environment and Forests / State level expert committee
- For built up area more than 20000 M²
- C. Sanction / Building Permit Stage**
17. Approval From Local bodies
- For sanction of building plans / building permit under the provisions of Building Bye-laws, Master Plan, and Local Body Acts

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Laws, Regulations For Construction

18. Approval From Power Distributing Authority / supply agency for
- sanction of electrical load and requirement of electrical substation
 - Provision of Transformers
 - Temporary connection for power supply needs to be obtained from concerned authority before start of construction

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Laws, Regulations For Construction

19. Approval / NOC / Assurance from Water Supply Agency
- For uninterrupted water supply
 - The temporary connection for water supply needs to be obtained from the concerned authority
20. Approval / NOC from the Sewerage and Drain Department to be obtained before start of construction

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D. CONSTRUCTION STAGE

21. Permission Required From The Central Ground Water Authority

- To abstract ground water

22. Intimation to the Local Authority (KMC / KMDA)

- The owner/applicant should intimate the local authorities 7 days before start of construction (in Form III, Appendix 'B' Bye-Laws)

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Laws, Regulations For Construction

- Acknowledgement needs to be obtained

22. Plinth Level Notice

- Information of completion of work up to plinth level should be sent to local authority

24. Permission for Deviation of Internal Work

- If there is any deviation, from the sanctioned plan, the KMC should be informed by notice in writing

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Laws, Regulations For Construction

E. CONSTRUCTION CUM OCCUPANCY CERTIFICATE STAGE

25. Completion Cum Occupancy Certificate

- Required to be obtained from the authority before occupancy
- The local body forwards proposal to all other concerned departments for according case specific approval
- On obtaining these, the local body grants the completion cum occupancy certificate

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Laws, Regulations For Construction

26. Approval From Lift Inspector

- An NOC is required when lifts are installed in a building
- This is a project specific approval
- In addition to these approvals from local authorities for any building, hospital requires other licenses/approvals as well

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TO BE CONTINUED

Thank you

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