

**Office of the Chief Engineer (Roads), Public Works Department,**

**Rajasthan, Jaipur**

No. F- 45/P&M D/Circular/05/644

Dated :- 17.9.18

**Circular**

**"Defect Liability Period"**

1. As per item No. 35 of Schedule of Powers delegated to PWD officers, effecting since 08.03.2017, "in case of Defect Liability Period (DLP), power to sanction refund of security deposit/performance security and performance guarantee of contractors on satisfactory completion of original and repair work and after the Defect Liability Period, if any, specific in the contract and payment of final claims vest with SE instead of EE after ensuring that the relevant terms and conditions have been duly complied with".
2. Therefore, to implement the concept of Defect Liability Period (DLP) effectively and to switch over the security deposit/performance security and performance guarantee refund mechanism as per SOP, following directions are issued :-

**A. Regarding upkeep of roads during DLP :-**

- i. Inspection of works which are under Defect Liability Period (DLP) shall be done by various officers as below :-

Assistant Engineer	Executive Engineer	Superintending Engineer	Addl. Chief Engineer
Once in every month & before and after rainy season.	Once in every 2 months and before & after rainy season.	Quarterly	Whenever on tour.

These officers will ensure to enter their comments in Defect Liability Period (DLP) register which is to be maintained by AEn (format enclosed)


- ii. The A.En. shall submit to the Engineer-in-charge the report of inspection within 7 days after the inspection.
- iii. Executive Engineer will issue notice to contracting agency in writing to maintain the road and to rectify defects as per the defects found during the inspection, within 3 days of receipt of reports in his office.
- iv. This shall be the responsibility of contracting agency to get the defects rectified and Road/Bridge/CD work maintained within 15 days of the date of issue of notice by Executive Engineer.
- v. In case contracting agency fails to rectify the defects within stipulated period notified to him by the Engineer-in-charge concerned under contract agreement, the Engineer-in-charge, shall serve a final notice for 15 days time reckoned from the date of issue of notice to rectify the defects. In case the contracting agency not responding to the notice and fails in rectification of defects the Engineer-in-charge will get the defects removed at the risk and cost of the contracting agency. Action such as for forfeiture of security deposit/performance security and performance guarantee and action under enlistment rules etc. shall also be taken against the contracting agency by the competent authority.

**B. Regarding refund of Security Deposit/Performance Security and Performance Guarantee :-**

- i. Fifteen days prior to the expiry of Defect Liability Period (DLP), Executive Engineer shall inspect the work and submit the security deposit/performance security and performance guarantee refund case along with Defect Liability Period (DLP) register to SE with his comments regarding compliance of terms & conditions of Defect Liability Period (DLP) as per agreement. SE shall examine the case and if found necessary, shall inspect the work & return the case to Executive Engineer within 10 days with his clear

directions regarding refund of security deposit/performance security and performance guarantee.

- ii. Executive Engineer shall accordingly refund the security deposit/performance security and performance guarantee after expiry of Defect Liability Period (DLP) or issue the notice to contractor before the expiry of Defect Liability Period (DLP), as the case may be.
3. No. security deposit/performance security and performance guarantee shall henceforth be released by Executive Engineer at his own level for the works where DLP is applicable.
4. All concerned are directed to ensure the compliance and report.

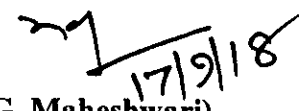
  
(M.G. Maheshwari)  
Chief Engineer (Roads)  
PWD Rajasthan, Jaipur

Date :

No.

Copy to the following for information and necessary action :-

1. P.S. to Principal Secretary, PWD Rajasthan, Jaipur.
2. P.S. to Secretary, PWD Rajasthan, Jaipur.
3. Chief Engineer (Roads/NH/PMGSY) PWD, Rajasthan, Jaipur.
4. Addl. Chief Engineer (All), PWD, Zone .....
5. Superintending Engineer (All), PWD, Circle .....
6. Executive Engineer (All), PWD, Division .....

  
(M.G. Maheshwari)  
Chief Engineer (Roads)  
PWD Rajasthan, Jaipur

# Format of DLP Register for DLP of Road/Bridge/CD Works

- 1 Name of Division :
- 2 Name of Work :
- 3 A&F Sanction : No. Date.
- 4 Stipulated dates : Start Completion
- 5 Actual Date of Completion :
- 6 Length completed : Ch. From Ch. To Length (Km.)
- 7 Date of uploading on portal :
- 8 Date of expiry of DLP :
- 9 Inspection and Rectifications :

S. No.	Date of inspection	Comments of inspecting officer with signature	Signature of contractor	Date of report to EE	Compliance of rectification with signature of AEn	Action taken against contractor if fails to rectify the defects
	3	14	15	16	17	18

- 10 Date of removing from portal :