

MINUTES OF THE SPECIAL BOARD MEETING
HELD ON 10TH JUNE, 1974 AT 9.00 A.M.
RECORD OF VIEWS AND DECISIONS.

The following attended:

1. F.A/Member.
2. Member (Tech)
3. Secretary.
4. Director General Works.
5. Director (W. & S).
6. O.S.D.(General).
7. Chief Resident Engineer Simly Dam.

Member (Tech) explained the status of Simly Dam Works to be that:-

- a) the Main Contractor(MPO WAPDA) does not appear to be interested in the work.
- b) The Main Contractor is not releasing payments to the Sub-Contractors, including that due on escalation, and this has obviously retarded the pace of sub-contracted works.
- c) The Sub-Contractors appear to be willing to carry out the Sub-Contracted works, provided arrangement can be made to pay the Sub-Contractors, directly for work done and to be done.

Member(Tech) stated that consideration should be given to making payments to the Sub-Contractors, by invoking clause 50(5) of the Contract for which sufficient grounds exist.

F.A/Member wanted it to be established that the Main Contractor has not released payment to Sub-Contractors and the C.R.E. was directed to supply details of this to Project Director Simly Dam.

The F.A/Member then enquired about the legal position from O.S.D.(General) regarding invoking clause 50(5) of the Agreement.

The O.S.D.(General) stated that unless action is taken against the Contractor under clause 50(1) of the General Conditions of the Contract, Sub-clause(5) cannot be invoked. The Project Director (Simly Dam) and the Chief Resident Engineer held the view that Clause 50(5) is independent of action under Clause 50(1) and that action under Clause 50(5) can be taken without expelling the contractor.

It was decided that the matter be referred to Law Officer, CDA and Legal Adviser for their views on this issue.

The next item on Agenda related to negotiations with M/s. T.J.V. for the construction of the Dam. It was

decided that Member (Technical) will contact Chairman (WAPDA) to request his assistance in negotiating with T.J.V.

The last item on Agenda related to the installation of P.A.B.X. Telephone Exchange at Simly Dam for use of Engineers' staff. It was explained by the Project Director that the "Engineering services Agreement" provided for telephone facilities for Engineers staff at site without specifying the installation of Exchange at site. In view of the fact that individual connection cannot be given at all points the installation of a telephone exchange is the only possible alternative to meet our contractual obligation to the Engineer. The Board agreed in principle but required the Project Director to submit the case for obtaining specific financial sanction.
