

**Amendment No-I dated 28/05/2024 to the Bidding Documents of Package OPGW-01** for OPGW works in Northern Region & Western Region under 9th & 11th NCT associated with “(i) Project 1- ‘Supply and Installation of OPGW on existing main lines which are LILOed under various Transmission Schemes’ in WR and NR under 9th NCT (LD-2022004) and (ii) Project 2- Communication System for ISTS approved under 11th NCT meeting (LD-2023002)”.

**Specification No.:** CC/NT/W-OPGW/DOM/A00/24/05101

Sl. No.	Clause Ref. No.	Existing provision	Amended as
<b>GCC 40: Conciliation</b>			
1.	GCC 40.4	<p>The Standard Operating Procedure for the conciliation mechanism shall be as follows:</p> <p>.....</p> <p>.....</p> <p>viii) In case of failure of the conciliation process at the level of the Conciliation Committee, the parties may withdraw from conciliation process and take recourse to the laid down legal process of Courts. <b>However, the option of Arbitration would not be available once the conciliation mechanism has been exercised.</b></p>	<p>The Standard Operating Procedure for the conciliation mechanism shall be as follows:</p> <p>.....</p> <p>.....</p> <p>viii) In case of failure of the conciliation process at the level of the Conciliation Committee, the parties may withdraw from conciliation process and take recourse to <b>Arbitration proceedings</b> or the laid down legal process of Courts.</p>
2.	GCC 40.5	<p>In cases of disputes pending before the Arbitration Tribunals or the Courts, both of the parties (i.e. Employer and Contractor) need to agree to explore the possibilities of conciliation through the Conciliation Committee of Independent Experts. In case of such agreement, an appropriate reference shall be made to the Conciliation Committee, upon which the Committee shall proceed to examine such reference(s). <b>The option of resolution through conciliation through CCIE would be open only in the event of the parties withdrawing from arbitration proceedings and undertaking to forego their rights to proceed for further arbitration in the subject matter.</b> However, other legal remedies would be open to the parties in the event of the conciliation proceedings not being successful.</p>	<p>In cases of disputes pending before the Arbitration Tribunals or the Courts, both the parties (i.e. Employer and Contractor) need to agree to explore the possibilities of conciliation through the Conciliation Committee of Independent Experts. In case of such agreement, an appropriate reference shall be made to the Conciliation Committee, upon which the Committee shall proceed to examine such reference(s). <b>In the event of the conciliation proceedings being successful, the parties to the dispute would sign the written settlement agreement and the conciliators would authenticate the same. Such settlement agreement would then be binding on the parties in terms of Section 73 of the Arbitration and Conciliation Act, 1996. However, the parties may resume the Arbitration proceedings or take recourse to any other legal remedies in the event of the conciliation proceedings not being successful.</b></p>