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CDB

CONSTRUCTION DEVELOPMENT BOARD

“Construction Quality: through Professionalization & Technology”

TERMS OF REFERENCE FOR BOARD MEETING 2019

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ROYAL GOVERNMENT OF BHUTAN

དཔལ་ལྡན་འབྲུག་གཞུང་།

## Background

With the fast evolving changes in the governance and complexity of divergent work procurement practices, clear understanding of the role of CDB and its function and power to bring about accountability is of paramount importance. Since construction issues are cross-sectorals issues, CDB as a centre agency is represented by Appropriate Level Board Members from procuring agencies, policy making institutions and private bodies. The board with multi-representation takes policy decisions for betterment of construction industry.

## Purpose

To provide policy directives to the CDB Secretariat for effective functioning as regulatory agency in construction industry.

### Powers & Functions

CDB shall have powers and functions to:

1. Physically verify the registration requirements of the contractors and consultants/consultancy firms at any time;
2. Upgrade, downgrade/suspend, blacklist & cancel the registrations of the contractors & consultants based on evidence of non-fulfillment of requirement/illegal/unethical practices;
3. Prescribe & conduct any pre-requisite fulfillments of individual contractors/consultants;
4. Investigate fronting / collusion practices and any unethical practices in the construction industry including demanding submission of any information to prove otherwise;
5. Review, recommend and enforce (including interventions such as reward & penalties etc. in Standard Bidding Document; national recognition schemes etc.) to encourage localization of manpower in the construction industry;
6. Inspect any on-going construction sites and make necessary enquires related to contract work with the site staff/in-charges in order to assess contractor’s capacity & its performance;
7. Take immediate action at the site including suspension of the on-going activities if there is violation of any of the contractual clauses pertaining to quality and safety or violation of CDB norms;
8. Collect information pertaining to the construction industry;
9. Prescribe appropriate Design, Management & Monitory Systems & Software;
10. Give its assessments/judgment of procurement complaints which may nullify the decision of the implementing agency against whom the grievance has been made;
11. Facilitate arbitration cases during & post construction phases;
12. Facilitate/recommend the required training programmes of personnel of the construction industry;
13. Specify the technology development and research activities to the relevant stakeholders;
14. Facilitate partnership with research institutions & establishments of the region;
15. Represent the interests of the construction industry amongst various stakeholders;
16. Represent in any IMLTC as an observer;
17. Establish the Construction Development Fund and generate funds (upon becoming authority);
18. Take disciplinary action against contractors in very limited circumstances such as:
19. Fraudulent misrepresentation of any facts during the process of registration or classification purposes or during the process of procurement of works;
20. Misappropriation of Government funds or property; and
21. Non-compliance with CDB norms, relevant laws and regulations of Bhutan.

### Board Members:

The Board shall consist of the following:

1. Chairperson, minister of Ministry of Works and Human Settlement;
2. Member above or equal to position of Director from Department of National Properties, Ministry of Finance;
3. Member above or equal to position of Director from Department of Roads, Ministry of Works and Human Settlement;
4. Member above or equal to position of Director from Department of Engineering Services, Ministry of Works and Human Settlement;
5. Member above or equal to position of Director, Department of Labour, Ministry of Labour & Human Resources;
6. Member above or equal to position of Director, Department of Renewable Energy, Ministry of Economic Affairs;
7. Member Representative of Large Class Contractor (President, CAB);
8. Member Representative from Medium & Small Class Contractors; and
9. Member Secretary, head of CDB Secretariat.

### Meeting Schedule

1. The Board shall meet as and when necessary to deal with matters arising but shall, at least, hold a quarterly meeting in a year;
2. The Member Secretary shall propose a date for meeting which will convenient date for the Hon’ble Chairperson and other members of the board; and
3. The Secretariat shall circulate the agenda, write-ups and other documents for the meeting at least 7 days prior to meeting except where urgent matters are to be considered.
4. **Quorum**

The quorum for the board meetings shall be two third of the members

1. **Decision**
2. The decisions of the Board shall be made by a majority vote of the members present and voting;
3. Each member shall have one vote, and the Chairperson shall have a casting vote in the event of a tie; and
4. The Member Secretary shall cause to be recorded and kept, minutes of all meetings of the Board.

### Minutes of Meetings

1. The head of CDB Secretariat shall be Member Secretary to the Board and he/she shall be responsible for preparation of minutes of the meetings;
2. The minutes of the meetings shall be circulated to Board members by the Coordinator on behalf of the Member Secretary for incorporation of the comments and feedbacks;
3. The minutes shall be deemed to be final once it is signed by the members present for that particular meeting; and
4. Records of meetings including minutes, write-ups and other relevant documents shall be maintained by the Secretariat.

### Notification of Decisions

Parties requiring implementation or affected by Board decisions shall be notified promptly vide email, fax, and publication in Media or announcement in Radio/News Channel or by any other means, as deemed appropriate.

### Code of Conduct

Members of the Board and employees of the CDB Secretariat shall maintain a strict code of conduct and ethics, act without any prejudice and shall not make improper use of their position.

### Term of Office

The term of office of the Board members shall be three years.

## Representation

Members of the board cannot be represented by any other officials.

## The Secretariat

The CDB shall have a Secretariat, which shall be responsible for all of the administrative and other operational functions of CDB and specifically implementing the decisions of the board.

### Appointment of Facilitator/Coordinator of Board Meeting

1. The Member Secretary shall appoint a senior officer as Facilitator/Coordinator;
2. Facilitator/Coordinator shall be responsible for facilitation and coordination of board from Agenda till implementation of board directives;
3. The Member Secretary shall remove Facilitator/Coordinator and appoint another senior official as Facilitator/Coordinator if he/she:
4. Is transferred to another agency;
5. Retires from civil service;
6. Becomes incapable in discharging his/her assigned duties; or
7. In the wisdom of Member Secretary requires to be discharge from the duty.

### Preparation for Board Meeting

1. **Board Meeting Coordination Committee:**
2. All the agendas for board meeting must be vetted in presence of member Secretary of the Board by the **Board Meeting Coordination Committee** comprising of:
3. Chief, Construction Service Division;
4. Chief, Construction Regulatory Division; and
5. Legal Officer (Coordinator).
6. **Board Agenda Meeting:**
7. The Coordinator shall schedule meeting to compile agenda for board periodically upon advice from the Member Secretary of the Board;
8. Upon receipt of Agenda(s), Coordinator shall schedule Agenda Meeting to vet/review agenda(s) received;
9. Agenda(s) which warrant board directions shall be assigned for further research; and
10. The officials assigned shall research and intimate the ‘Write-up/Justifications’ to the Coordinator within 10 days from the date of conduct of Board Agenda Meeting.
11. **Agenda Review Meeting**
12. The Coordinator upon instruction from the Committee shall schedule meeting to deliberate on ‘Write-ups’/researches conducted for each agenda by concerned officials;
13. Each concerned officials shall present and justify their ‘write-ups’ to the Committee; and
14. Final copy of Write-ups shall be compiled by the Coordinator for circulation to the board members.
15. **Follow-up meeting on implementation of board decisions**

The Coordinator on behalf of Member secretary and coordination committee shall schedule meeting to review the status of implementation of board decisions before planning for next board meeting.

1. **Review meeting on implementation of board decisions**

During this meeting, the member secretary and the coordination committee shall revisit the comments and instruction given to the concerned officials during the review meeting mentioned in clause 15, iv.