



(Regd., Public Charitable Trust No 599 / 94--95 IV)

#6, Kasturi Apts, 2nd floor, No.35/23, Langford Road Cross, Shanthi Nagar, Bangalore 560025

Tel: 080-2211 0584 / Telefax: 080-41144126, E-mail: info@civicspace.in, Internet:

www.civicspace.in,

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The Commissioner
BBMP
N.R. Square
Bangalore 560002

Comments on draft tender document

Public consultation

The last garbage tender in 2006 was issued without any public consultation and public inputs. This failure should not be repeated this time. Section 4(i)(c) and (d) require authorities to publish all relevant facts to the affected public *'while framing policies'* and also publicise the reasons for the administrative decisions.

Norms

- There are no norms fixed for the number of employees who should be employed for covering a certain length of road, the number of vehicles, auto-tippers, push carts, etc. to be deployed for a particular number of households.
- There are no norms for the quantum and frequency of supply of equipment, tools, cleaning materials, etc. – what quantity of drums, phenyle, brooms, gloves, etc. should be supplied at what frequency, etc.
- The norms stipulated in the State Policy on SWM developed by the KUIDFC may be adopted in this regard.
- There is no stipulation that manual handling of garbage should be avoided; that all garbage should be bagged; that loose garbage should not be off-loaded on the road and again manually lifted during transfer, etc., which are the weak points right now.
- There are no stipulations about how garbage should be collected from slums.
- There is no stipulation that apartment owners should segregate and collect their garbage in common bins placed in the basement of their complex.
- There are no guidelines on how garbage should be stored at and collected from commercial complexes, hotels, choultries, nursing homes in the area.

- Definition of 'big commercial place' is needed. Such ambiguous terms should be replaced by specific terms, numbers and quantities.
- Bidder should be required to clean all public toilets, community toilets, toilets in government and BBMP school buildings, anganwadis and other government buildings where there are no specially appointed cleaners.

Penalties

- Persons giving mixed waste need to be penalised. There is no mention of how this is to be done.
- Citizens found littering or throwing garbage or debris at collection points need to be penalised. Penalties could be imposed on the bidder for this. He should be made to devise a system of overseeing that no one litters by appointing staff who stand at collection points or black spots and monitor that no one litters.

Space for sorting, parking of vehicles

- There is no provision that space will be earmarked and provided to the contractor for the sorting of recyclables and collection by recyclers.
- Space for parking of push-carts, vehicles, etc. has to be provided by BBMP. Bidder cannot be expected to find the place for them.

Cleaning and disinfecting

- Contractor should maintain all vehicles and equipment in a clean and hygienic condition.
- Bidder should make arrangements to clean the equipment and tools of the workers daily.
- Disinfection of collection vehicles and secondary collection points should be on a daily basis and not once a week.
- Workers should mandatorily adhere to health and safety rules and use protective gear mandatorily. It cannot be only left to persuasion.

Stand-by arrangements

- Since SWM is a mandatory function of BBMP with great impact on health of citizens, in case of repair of vehicles, alternative vehicle should be made available same day by the bidder and not after an unstipulated length of time.
- The bidder should have constant reserve workforce of 10% and not just 'in case of contingency' to compensate for those who are ill or on leave and ensure that the work is done.

Monitoring

- RWAs have not been given any role in the monitoring process. NGOs and others cannot be merely 'actively involved'. Their participation has to be institutionalised through appointment of formal committees with multi-stakeholder participation at each ward level. The frequency of their meetings, and their duties, powers and functions need to be specified.
- The bidder should be made accountable to these committees.

Workers' welfare

- The bidder shall not only have an office in the package area but also provide rest-rooms, toilets (a specific number for a certain no. of workers) and crèches to the workers as per Contract Labour Act.
- BBMP cannot say it is not responsible for any disputes between bidder and engaged workers. BBMP remains 'principal employer' with obligations towards workers under the Contract Labour Act. It has to make good any deficiencies towards workers and recover the amounts from the bidder.
- Bidder should provide a return on the number of workers employed, their attendance record, ESI and PF payments made on their behalf every month along with his bill and not only 'if required by the BBMP'.
- Penalties on bidder for violation of labour laws, non-payment of ESI, PF, non-provision of mandatory facilities and equipment for workers, have to be specified.
- Penalties on officials also need to be specified for failing to check these malpractices of the contractors.
- The relevant extracts of the MoEF Municipal Solid Waste Handling Rules 2000, the Minimum Wages Act, Contract Labour Act, Workmen's Compensation Act, Child Labour Act, etc. should be made a part of the contract so that even the public knows what the requirements are regarding garbage collection, occupational safety, wages, provision of creches, rest-rooms for workers, toilets, drinking water, leave, ESI, PF, etc.

Some other duties of contractors

- The geographic area and details and lengths of roads should be declared by the contractors in the bid and not just the boundaries of the package.
- Contractors should declare the ratio of male and female workers employed by them.
- Contractors should declare the age of workers who are involved in road cleaning, kerb cleaning and tertiary drain cleaning. (Persons above 60 should not be deployed as contract workers).
- Contractors should declare the names of workers and their work area to cover entire geographical area of the package.
- Contractor must notify the geographical boundaries to autos and lorries.
- The contractor must be made responsible to produce weigh slips of garbage transport vehicles every day to the concerned package office.
- Contractor must be made responsible to produce dumping yard slips either from the notified or from the private designated delivery/dumping location.

- Contractor must issue books to the workers, autos and lorries for obtaining signatures from the public in the field at the time of cleaning, door-to-door collection and collection of garbage by lorries.
- Contractor must produce a daily field working certificate and enclose these along with his bill for claim of tender amount.
- Contractor must exhibit details of labourers, autos and lorries on sign-boards at each package area.
- Contractor must also publicize complete contact details on sign-boards for receiving complaints from public.
- Work supervision must be in the hands of BBMP officers.
- Contractor must declare and commit to work as per tender norms in the contract agreement.
- The security deposit should be retained in the hands of BBMP till the contract voids. BBMP should have all rights to withhold the security deposit if any of the clauses mentioned in the contract is violated by the contractors.
- Contractor has to give 60 days notice period to get released from the contract.

Hope you will consider these suggestions for inclusion in the garbage tender.

Thanking you.

Yours sincerely,

Kathyayini Chamaraj
Executive Trustee
97318 17177