भारत सरकार Government of India
रेल मंत्रालय Ministry of Railways
(रेलवे बोर्ड) (Railway Board)

No.2018/CE-I/Innov/1 **Date 18.01.2018**

The Principal Chief Engineer &
Chief Administrative Officer (Construction),
All Indian Railways.

Sub: Use of Patented Items in Works Contract.

Now-a-days, a number of patented items procured by contractor are being used during execution of works. To safeguard railway's interest, it has been decided by Board (ME) that Railways shall incorporate a special condition in such tender documents where it is expected that execution of work may require supply and fixing of patented items such as cable anchors, specialized grouts, spring dampeners in bridges, special SEJs etc. The content of the special condition shall be on the following lines:

"1. *In case, the agency supplying the patented item is not the contractor to whom the work is assigned and these items are being procured by the Contractor, the concerned contractor will obtain prior approval from the Engineer-in-charge of the work (Min. JA Grade Officer), who will ensure that all design and safety aspects are taken care of. For any specific requirement concerning execution, warranty etc., an agreement/MOU is to be entered between the main contractor and the party supplying the patented items, clearly bringing out the responsibility of party supplying such patented items. A copy of such MOU will be furnished to the Engineer-in-charge by the main contractor to whom work has been assigned by the Railway and after the approval of Engineer-in-charge, such item can be used in work.*

2. *The agency supplying the patented item shall provide complete details/specifications/drawings of the items including the manner in which it is to be used.*

3. *During the installation of such patented items, authorized representative of the firm supplying such patented/propriety items shall be present and after the execution of work, a certificate to be issued by the firm supplying the patented item indicating its proper installation. Such certificate will have to be kept in record by the concerned Engineer-in-charge executing the contract, before releasing payment for the work done".*

Railways are advised to take necessary action in this regard.

अनिल कुमार 18.1.18
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