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2.0 Empanelment of DB Members:

For an Institution to be effective in administering the DB system, it is necessary that it has a panel of prospective DB Members in different disciplines and trades. The same would enable the Institution to provide database to the inquiring parties to the Contract, looking for prospective DB Members. The panel has also to be used for appointment of DB Members by the Institution as and when called upon to do so. It has, therefore, to embark upon the process of empanelment of DB Members.

The Empanelment of DB Members will involve identification/ classification of the trades, and drafting criteria for their empanelment. The criteria will need to specify educational and technical qualifications, working knowledge of the language of the contract which in most cases is English, knowledge of contract conditions, experience of contract management, experience in relevant trade in terms of number of years, nature and quantum of jobs handled, knowledge and experience in Alternative Dispute Resolution (ADR) mechanisms/ processes like DRB/ DAB / DB/ Arbitration/ Conciliation/ Mediation, knowledge of and familiarity with the laws governing contracts, ADR processes and allied matters.

The various aspects of empanelment and the processes to be adopted are brought out in sections 2.1 and onwards.

2.1 Identification of Trades:

For the purpose of empanelment of DB Members, the various trades are classified in major sectors and each such sector would have subsectors as brought out here under.

2.1.1 Building Sector:

- a) Buildings
- b) Airport Terminals, Aero City
- c) Stadia
- d) Storage sheds and Silos

2.1.2 Road Sector:

- a) Roads/Highways/Expressways
- b) Bridges, Flyovers & Underpasses
- c) Tunnels
- d) Airport Runways, Taxi ways, Aprons

2.1.3 Railways and Metro Systems:

- a) Tracks, Freight Corridors
- b) Metro Systems
- c) Electric Traction and Non –Traction Power Supply Systems
- d) Signaling Systems
- e) OHE
- e) Bridges
- f) Tunnels

2.1.4 Water Supply and Sewage Disposal:

- a) Pressure Mains
- b) Water Treatment Plants
- c) Sewage Gravity Mains and Networks
- d) Sewage Treatment Plants
- e) Storm Water Drainage System

2.1.5 Ports & Shipping (including Inland Waterways):

- a) Docks / Dry Docks
- b) Break-Waters

- c) Jetties
- d) Lighthouses
- e) Dredging works

2.1.6 Power Sector - Transmission & Distribution:

- a) Power Switch Yards
- b) Transmission Towers and Lines
- c) Sub-Stations HT/LT

2.1.7 Thermal Power:

- a) Thermal Power Houses
- b) Chimneys
- c) Cooling Towers

2.1.8 Hydroelectric Power and Irrigation Works:

- a) Dams and Allied Structures
- b) Canals
- c) Penstocks/Tunnels
- d) Power Houses/Turbine Houses

2.1.9 Nuclear Power:

- a) Power Reactors
- b) Special Buildings/Structures

2.1.10 Wind power:

- a) Wind Turbines

2.1.11 Solar Power:

- a) Solar Farms

2.1.12 Pipelines:

- a) Oil Pipelines
- b) Gas Pipelines

2.1.13 Telecommunication:

- a) Metallic Communication Cables
- b) Optic Fibre Cables

2.1.14 Space Sector:

- a) Launch Pads and Structures

2.1.15 **Manufacturing and Installation:** Normally for Ad Hoc DBs only.

- a) Mechanical
- b) Electrical and Electromechanical
- c) Electronics and Digitally Controlled Systems/Equipment
- d) Ship Building and Special Fabrications

Note: The Institution will modify the list of sectors/sub-sectors from time to time based on need.

2.2 Criteria for Empanelment

2.2.1 For the efficient functioning of a DB, the Members need to possess the attributes as brought out here under: -

a) Health: DB Members have to be actively involved in the sites and have, therefore, to climb and rise to heights and go down to depths through ladders, slopes and rough terrain. They have, therefore, to be fit and in good health, with all senses including vision and hearing to be fully functional. It is recommended that the age for being appointed as a DB Member should be limited to 75 years and a prospective member for empanelment should be physically fit and mentally alert.

b) Fluency in the Language of the Contract: The Members of DB are required to understand the Contract, interact and communicate with the parties and the Engineer as well as with other Members of the DB and are to write reports and decisions. The necessity of an adequate working knowledge of the language of the Contract cannot be over emphasised. In the context of India and especially for the works financed by the multilateral and bilateral financing institutions, the language is English.

c) Domain Knowledge and Experience: Knowledge and experience in the nature of work under the contract is an essential requirement for the Members of DB to be able to appreciate the dispute situations as and when they arise and to take an appropriate view of the issues involved and also to render a decision whenever required.

d) Knowledge and Experience in Contracts: The DB is required to operate under the provisions of a given contract and a proper understanding of the same requires knowledge about conditions of contract supported by a reasonable experience of having been in a position to deal with such contracts.

e) Knowledge of Laws concerning Contracts: The contracts in India are governed by the Indian Contract Act, 1872 with its up to date amendments. Besides the Arbitration and Conciliation Act, 1996 along with its Amendment Act 2015 is quite relevant in the sphere of Dispute Management. The Limitation Act, 1963 with its up to date amendments also comes into play on many occasions when dealing with contractual disputes. A knowledge of these laws is essential for proper functioning.

f) It would also be necessary to get recommendations of two senior professionals as referees before empanelment.

2.2.2 Corresponding to the aforesaid requirements, a prospective Member of DB shall declare and make available the information/documentation, at the time of seeking his/her empanelment, as brought out here under and also meet the criteria mentioned herein below. The prospective member for empanelment may also provide documentation in support, if any.

a) A declaration, with due regard to the nature of work and the duties expected that he/she is in good health, i.e. physically fit and mentally alert and make available the information along with documentation, if any, while seeking empanelment.

b) A confirmation of possessing adequate fluency in English.

c) To confirm holding a degree in Engineering, which provides the domain knowledge broadly relevant to the Contract, along with a confirmation about experience of not less than 25 years as a practicing professional.

d) To make available the information, which shall include years of experience in Contract Management, along with the broad details of works including their quantum in those contracts, at different levels and the role played therein. Experience of 15 years of contract management at the executive level and above, with not less than three years at the level of Chief Executive/Chief Engineer/Chief Project Manager or equivalent would be necessary for empanelment.

e) To confirm possessing adequate knowledge about the laws concerning contracts and ADR systems as also the knowledge and experience in dealing with contract conditions. Related documentation, if any, may be provided.

f) Recommendations of two senior professionals as referees.

2.3 Forms for Empanelment

A 'Form' for Application for Empanelment, based on the requirements/ criteria described in the foregoing is given at Appenix-1.

2.4 Resources/Sources for inviting Applications

a) Various Departments in the field of Construction in Government of India as well as various State Governments, including their retired professionals not below the rank of Chief Engineer or equivalent.

b) Members of professional bodies in the field of Engineering like Institution of Engineers (India), Indian Roads Congress, Indian Buildings Congress, International Association of Bridge and Structural Engineers (IABSE) and others.

c) Members of professional bodies in the field of ADR mechanisms like Indian Council of Arbitration (ICA), International Centre for Alternative Dispute Resolution (ICADR), Construction Industry Arbitration Council (CIAC), Consulting Engineers Association of India (CEAI), Indian Institution of Technical Arbitrators (IITArb), Delhi International Arbitration Centre (DAC) etc.

d) The technical cadres of the various PSUs, construction companies or other private bodies involved in the domain.

2.5 Receipt of Applications

The Institution shall give wide publicity to formation of panels and invite applications through open advertisement by sending the same to various professional bodies, organizations etc. for publication in their house journals. The Institution should also upload the same on their website and get the same uploaded on relevant websites of other organizations. The requisite information and the forms for application should also be furnished therewith.

2.6 Scrutiny of Applications

The applications received shall be entered in a register serially. Particulars as received shall be recorded correctly by a responsible staff member of the Institution. Scrutiny of the same shall be done by a Committee appointed for this purpose by the Institution. The Committee should consist of persons having knowledge about the system and being of impartiality and integrity. The persons should have no interest in the system. The committee shall peruse all the particulars received through the applications, examine each and every application thoroughly and accept the ones which meet the requisite criteria. Any applicant, who has failed to provide the requisite information should be given an opportunity by making a reference to the Applicant. Applications not complying with the requirements shall, however, be rejected. The selected applicants shall be put on the panel and due intimation given to them.

2.7 Listing of Empaneled Members:

After the aforesaid scrutiny, the selected members shall be listed in two ways. i) Alphabetical order, showing against each the relevant trades as well as the types of Contracts handled; and ii) Trade -wise grouping of the members, again shown in alphabetical order. In the second list, the names of members would repeat whenever they are listed in more than one trade. Both these sets of lists shall be put on the website of the Institution.

The process of empanelment is an ongoing and continuous one. Applications, to start with, received up to 31.05.2016 shall be considered in the first lot. Requests for empanelment received subsequently shall be considered periodically and selected members added to the panel.

Empanelment does not give a right for allotment of membership of a DB. It entitles one for due consideration as and when an opportunity arises. No claims in this regard can be made and if made, will not be entertained.

2.8 Undertaking by the Empaneled Members:

A person before he is put on the panel should give an undertaking that he has gone through the Standard Operating Procedures (SOP) for DB in India and shall conform to the various provisions contained therein. He has also to confirm that he will abide by the Code of Ethics strictly as per the SOP above.

2.9 Redressal of complaints, if any:

It may so happen that someone who is not empanelled or for any other reason may address a complaint to the Institution. Such complaints should be looked into by a Committee constituted for the purpose and the matter duly investigated. In case, there is any ground or justification for relief to the Member, the same should be provided. The complaint should be properly redressed and a suitable response furnished to the complainant.

2.10 Fees for Empanelment:

While making an Application for empanelment, a one-time, non-refundable fee of Rs. 5,000/- (plus taxes as applicable) shall be payable to the Institution in the manner as stated in the Application form.

2.11 Renewal of the Panel:

The persons once empaneled would remain on the panel till his/her name is removed for any of the reasons mentioned in a subsequent paragraph.

2.12 Appointments from the Panel:

The Institution has to develop a proper system for appointing Members to the DBs from the panel as and when such a requirement arises. The proposed system is as follows:

The request received for appointment should be examined. Considering the nature, type, magnitude, complexity of the Contract/work, Members from the panel of the particular domain should be shortlisted, keeping in view that Members, who have earlier been appointed are given low priority. The Members so shortlisted shall be asked to give due certificates under Appendices E and F of SOP regarding their involvement with the parties or

the work concerned. On receipt of the information and the required certificates, the Members who are independent shall be considered and appointment shall be made.

It has to be ensured that the appointment from the panel is made in a rotational manner so as to allow each Member on the panel to get an appointment and discourage a number of appointments to the same Member.

2.13 Removal from the Panel:

A member shall be removed from the panel and will not be considered for any future appointments in the event of any of the following:

- a) The Member requests for removal of his/her name from the panel.
- b) The Empanelment of the Member was based on information which was vital but was subsequently found to be incorrect.
- c) The Member is found to have caused a serious breach of the Code of Ethics or non-compliance with SOP, which warrants his/her removal.
- d) The member has attained the age of 75 years.

Before taking action under b) and c) above, it may be necessary to make an inquiry in the matter through independent person or a committee of independent persons as nominated by the Institution and suitable opportunity provided to the Member against whom such a position is observed.

2.14 Rights of Institution:

The Institution reserves its prerogative to waive any of the provisions of these rules, in case the circumstances in a particular case or matter, so warrant.



Indian Council of Arbitration (ICA)

Federation House, Tansen Marg, New Delhi – 110 001

[Email: ica@ficci.com; ica@airtelmail.in / Website: www.icaindia.co.in]

Request for Empanelment for Dispute Boards (DB) in India

Application ID:	For Office Use Only in ICA												
Date:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">TRADES</td> <td style="width: 12.5%;">1</td> <td style="width: 12.5%;">2</td> <td style="width: 12.5%;">3</td> </tr> <tr> <td>Sectors</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sub-Sectors</td> <td></td> <td></td> <td></td> </tr> </table>	TRADES	1	2	3	Sectors				Sub-Sectors			
TRADES	1	2	3										
Sectors													
Sub-Sectors													

1. PERSONAL PARTICULARS:

a) **Name of Applicant:** Mr/Ms _____

b) **Date of Birth** (Gregorian Calendar): _____

c) **Father's name:** Mr _____

d) **Email:** _____

e) **Phone(s):** Home or Work: Mobile:

f) **Postal Address for Communications:** _____

City: _____ Pin Code: _____

2. RELEVANT TRADES (See List of Trades. Please mention up to 3 trades):

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3. EDUCATIONAL AND ENGINEERING QUALIFICATIONS:

(Highest qualification down to Graduation)

Sl. No.	College/University	Year of Passing
1.		
2.		
3.		
4.		

4. EXPERIENCE:

(Highest three Positions and other lower positions, if any, clubbed together)

Sl. No.	Organisation/Position	Period
1.		
2.		
3.		
4.		

5. DETAILS OF WORKS: Broad Details of Works with contract type and value, at different levels and the role played therein. (mention the biggest work at different levels).

6. Name/Particulars of two Referees:

i) _____

ii) _____

7. DECLARATION/UNDERTAKING:

I declare that,

I am physically fit and mentally alert with functionally adequate vision and hearing;

I possess adequate fluency in English;

I have adequate knowledge about various types of construction and other contracts;

(list a few like FIDIC Conditions of contract of different types - MDB conditions of contract, CPWD / PWD / MES / Railways / other contracts)

I possess adequate knowledge about laws concerning contracts and ADR systems like the Indian Contract Act 1872, the Arbitration and Conciliation Act 1996, the Limitation Act 1963 which come into play when dealing with contractual disputes.

I have gone through the Standard Operating Procedures (SOP) for DB in India and shall conform to the various provisions contained therein. I also confirm that I will abide by the Code of Ethics as per the SOP.

An amount of Rs. _____/- towards 'Empanelment Fee' through a Cheque No. _____ dated _____ drawn on _____ (Bank) is attached.

Signature of applicant

The Applicant may provide documentation in support and list them here under.

List of Documents attached with the application: -

1. _____
2. _____
3. _____
4. _____
5. _____

Notes: (i) Additional Sheets may be used in case the space available in the form is not sufficient. Any such additional sheet(s) shall be duly listed in the space provided above. (ii) The procedure for empanelment is contained in the document on 'Empanelment of DB Members' as posted on the website of ICA. Applicants should take note of the same.

List of Trades for the purpose of empanelment of DB Members:

1. Building Sector:

- a) Buildings, b) Airport Terminal, Aerocity, c) Stadia,
- d) Storage sheds and Silos.

2. Road Sector:

- a) Roads/Highways/Expressways, b) Bridges, Flyovers & Underpasses,
- c) Tunnels d) Airport Runways, Taxiways, Aprons.

3. Railways and Metro Systems:

- a) Tracks, Freight Corridors b) Metro Systems, c) Power Supply Systems,
- d) Signaling Systems, e) OHE, f) Bridges g) Tunnels

4. Water Supply and Sewage Disposal:

- a) Pressure Mains, b) Water Treatment Plants, c) Sewage Gravity Mains and Networks, d) Sewage Treatment Plants

5. Ports & Shipping (including Inland Waterways):

- a) Docks / Dry Docks, b) Break-Waters, c) Jetties, d) Lighthouses,
- e) Dredging Works

6. Power Sector - Transmission & Distribution:

- a) Power Switch Yards, b) Transmission Towers and Lines
- c) Sub-Stations HT/LT

7. Thermal Power:

- a) Thermal Power Houses, b) Chimneys, c) Cooling Towers

8. Hydroelectric Power and Irrigation Works:

- a) Dams and Allied Structures, b) Canals and Irrigation works
- c) Penstocks/Tunnels, d) Power Houses/Turbine Houses

9. Nuclear Power:

- a) Power Reactors, b) Special Buildings/Structures

10. Wind power: - a) Wind Turbines

11. Solar Power: - a) Solar Farms

12. Pipelines:

a) Oil Pipelines, b) Gas Pipelines

13. Telecommunication:

a) Metallic Communication Cables, b) Optic Fibre Cables

14. Space Sector: - a) Launch Pads and Structures

15. Manufacturing:(Normally for Ad Hoc DBs only). a) Mechanical b) Electrical and Electromechanical c) Electronics and Digitally Controlled Systems/Equipment d) Ship Building and Special Fabrications

16. Others, if not covered above:

LISTING OF APPLICANTS

Sl. No.	Name and Contact Details	Relevant Trade (s)	Types of Contract
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

LISTING OF EMPANELLED MEMBERS

Sl. No.	Name	Relevant Trade (s)	Types of Contract	Contact Details
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				