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Thimphu Thromde

PO Box No - 215

Building No. 8

Gongdzin Lam



INTERNAL MEMO

To

1. All the members present for the 9thMM of 3rd council

From: Dzongkha Coordinator

Copy to:

1. DashoThrompon for kind information
2. Executive Secretary for kind information
3. Guard file

Subject: Signing of the FINAL Minutes of the 9th MM of 3rd Council

I would like to request all the members present for the 9th Management meeting which was held on 10th/06/2022 to kindly put initial on each page and also to sign against your name at the end of the document.

9th Management meeting

Date- 10th/06/2022

Time- 2:30 pm

Venue- Thromde Conference Hall

Opening Remarks

The Chair welcomed all the members of the Management to the 9th Management meeting and without further delay, proceeded with the meeting.

Members Present

Sl.No	Names	Designation
1	DashoUgyenDorji	Thrompon
2	Kinley Penjore	Project Manager – ADB-PIU
3	Sonam Dorjee	Chief ADM Officer
4	Pema Choidar	Principal Thromde Education Officer
5	SonamTobgay	Dy. Chief, LRSD
6	Pekar Rabgay	Project Coordinator,PIU1/Infra Division
7	Thinley Norbu	Chief,UPD
8	LekzangJayoedDorji	Environment Officer, Environment Division
9	PenjorDrukpa	Executive Engineer, O&MD
10	Shera Doelkar	Deputy Chief Forestry Officer,
11	Pema Thekcho	Asst. Engineer , Water Supply Section
12	Ngwang Tashi	Infra Division
13	Ugyen Dorji	O&MD,Electricial Section
14	Amir Mongar	Asset Manager, AFD
15	Phub Dema	Internal Auditor
16	Zulkee Choden Rinzin	Media Relations Officer
17	Tshewang Pelden	Dzo.Coordinator

Agenda 9.1: Management Contract for Managing the New Nursery Located at Depsi

The City Environment Division (CED) presented the MOU made between KeltshelDumra Nursery (KDN) andThimphuThromde regarding the management of the new nursery at Depsi. This agreement is made for the purpose of managing five acres of land proposed as a



plant nursery for the production of flowers, saplings, and overgrown trees at Depsi. The division also shared that this MOU modality is initiated to promote sustainable long term partnership which is to be considered as pilot partnership to experience and further upgrade into proper PPP modality based on the performance and success of the initiative in future. Whereas, this MOU in no way provides the right to landholding or properties therein. Although the Executive Secretary suggested keeping the MOU for 2 years, KDN requested ThimphuThromde to extend the MOU to 3 years as they shared that construction and set up alone took almost a year and they were not able to make progress on the plantation.

Discussion

The CED shared that Thromde would not have to make any payments to KDN as we are providing them with the land, materials (greenhouse) and machinery for construction. We would only pay them while buying the plants in the future which would be less than the market rate.

Management shared that the exact use of land should be stated in contract and they would not be allowed to use the land for purposes other than stated. They should also not be allowed to use the land as collateral while applying for loans as they don't have the land right nor does ThimphuThromde.

The division also highlighted that the partner will not assign, sublet or grant any concession or licence to use the premises or any part to any other third party.

Decision

The management decided:

1. To approve the MOU for 3 years.
2. CED to include a clause stating that KDN will not be allowed to use the land/establishment as collateral while applying for loans as they do not have the land right.

Action - City Environment Division

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Agenda 9.2: Fuel Hike Considerations, New Vehicles Modality and Hiring Charges for Waste Service Providers

Fuel Hike Considerations

The Asst. Environment Officer (AEO) presented that with the drastic increase of fuel price, the cost of services heavily dependent on transportation has also skyrocketed. Therefore, the waste service providers have shared their grievances and requested Thimphu Thromde to revise the fees as they are unable to provide services at the current rates.

The AEO presented a detailed presentation on the cost of expenditure as reported by the waste service providers as well as the market analysis done by the CED which includes the number of vehicles on road and the cost of idling. Having done the comparison, the AEO suggested that an addition of Nu 82,629 (average) needs to be paid to each waste service provider per month.

20 new waste collection vehicles had arrived from Japan, and a hiring contract modality had been decided with the imposition of a 10% performance guarantee to ensure the efficient and effective use of the vehicles.

Discussion

The Chair shared that all waste service providers are requesting for a price increase due to the fuel hike and also the increased cost of labour due to the pandemic. It was previously decided that the considerations would only be made on fuel. For the month of April, an addition of Nu 82,629 as proposed by CED would be to cover the fuel consumption.

The Chair submitted that Thromde should pay the additional amount to these service providers and the decision needs to be made swiftly as it has already been 2 months since the contract was extended for another 1.5 years. They are also refusing to work if Thromde does not revise the rates.

The AEO submitted that the service providers are also concerned that even though Thromde revises the rates, with the new vehicle hiring charges, the costs might be negated as they have to pay us back.

The Chair shared that the Management needs to make a decision as this agenda has been presented several times. Thromde also does not have an alternative for the next 1.5 years so



we have to revise the prices for now and we can come up with a better modality for when this contract finishes. Thromde also needs to consider what would happen in the case of fuel price increasing or decreasing as it is currently based on Nu 102.57 per litre. CUP shared that the additional payment of Nu 82,629 should only be made for 6 months, after which Thromde will assess the fuel price in the market and revise the rates accordingly if necessary.

EE Ngawang Tashi suggested using the price adjustment formula, a circular issued by MoF, which can be used to work out the threshold to see if the price worked out by CED is too high or low. With the price adjustment, the price index calculates the increase or decrease of fuel for specific months or periods which is all taken into consideration by the formula.

Decision

The Management decided:

1. To use the price adjustment formula, compare it with the calculations made by CiED and the rates will be revised based on the results of the comparison.
2. EE Ngawang Tashi to render his support to the CED within 2 days to use the price adjustment formula.

Action - City Environment Division and Infrastructure Division

New Vehicle Modality

The AEO presented that previously it was decided that a 10% performance guarantee would be imposed on the WSPs to ensure the proper use of the vehicles but the service providers have submitted a joint official letter to the Thrompon stating that the 10% is too expensive for them. They also relayed that if hiring charges were to be imposed, the addition they would get on fuel would be largely negated. Instead, they suggested that they would sign an undertaking assuring that vehicles would be returned in the same condition at the end of the contract. AEO suggested that if 10% is too high then a 5% performance guarantee could be imposed instead.

Discussion

The Chair shared that the performance guarantee is to ensure the vehicles are taken care of once handed over to the service providers. This year all the workers have also been trained on



how to take care of the vehicles and provide maintenance and joint maintenance has to be done every now and then as per the contract.

Even if we impose the 5% performance guarantee, we do not know if they will be able to pay the fees as most of them are entrepreneurs and might not be able to sustain.

Specialist Kinlay Penjore suggested keeping retention money of 10% from their monthly bills, regardless of how many vehicles they have, which the service providers would get back at the end of the contract if they return the vehicles in proper condition.

AEO shared that in such a case, the service providers might be tempted to take more vehicles but the Chair shared that each service provider should be given a maximum of 3 vehicles (mix of medium and small).

Decision

The Management decided:

1. To deduct retention money of 10% from their monthly payments every month, regardless of the number of vehicles.
2. CED to carry out routine inspection as per the contract.
3. Each service provider should be given a maximum of 3 vehicles (mix of medium and small).
4. Old vehicles which will be returned shall be either reused by the waste service providers as per their needs, or be distributed accordingly.

Action - City Environment Division

Vehicle Hiring Charges

AEO also highlighted an issue on current hiring charges where Clean City pays hiring charges, while Greener Way and Green Bhutan Services do not. The hiring charges are based on the condition of the vehicles.

The Chair suggested that hiring charges should be uniform and all service providers should pay equally. The Chair also questioned whether hiring charges are required or not.

The management agreed that hiring charges were necessary but the rates needed to be decided either per vehicle or an overall rate.



Decision

The Management decided:

1. Hereon, all service providers must pay hiring charges equally irrespective of the sizes.
2. The rates are Nu. 20,000/- regardless of vehicle size or condition.

Action - City Environment Division

Agenda 9.3 Labour Camp Permit/approval as Mandatory Requisite for temporary lease.

Currently LRSD only gives temporary lease of state land for construction of labour camps and material stacking for up to one year. The basic requisite for this is the approval for construction from C&ED and we have 43 leases ongoing. Now that C&ED is serving notices to remove unauthorised structures from state land, around 10-15 individuals who haven't leased the land from Thromde but have constructed labour camps have come to request us for lease. There are around 20 cases where people have constructed structures and rented it to others for shop etc. Although there are genuine cases for construction of labour camps, others misuse it and rent it to shops etc. He proposed that to lease the land henceforth, Thromde should also make it a mandatory requisite to have permit for labour camp specifically and not just the approval for construction.

Discussion

The Chair agreed that this permit was necessary and to reassess the lands currently being occupied. If they are not going to start construction within the next few months, their lease should be cancelled.

Decision

The Management decided:

1. That requiring a permit specifically for labour camp construction should be mandatory requisite.
2. Lands currently being leased should be assessed. Their lease should be cancelled if the construction does not start in the next few months.

Action - LRSD



Recruitment of Survey Field Associate(SFA) Under Workforce

LRSD submitted that with the recruitment of the new Survey Associate, a SFA is also required under the workforce. This has been approved by the 161 HRC and is being submitted to the management for endorsement.

Discussion

LRSD recommended a candidate, Miss TsheringDema (CID 11105004528), Civil Engineer, JNEC.

Decision

Management endorsed the recruitment of Ms.TsheringDema as SFA under workforce-level IV.

Action - LRSD and HR Section

Agenda 9.4 Internal Audit Review Report on ARMS

The Internal Auditor presented a Review Report on ARMS. She said under the directives of the management, the IAU was reviewing the past RAA audit issue AIN12608 non-collection of land tax thereof Nu. 11,994,623.58. During the data validation of each taxpayer against the last tax paid a year in ARMS, IAU strongly felt the need for Internal Audit intervention in reviewing ARMS due to the high risk associated and its implication. Therefore, IAU conducted an audit on ARMS. The main objective of the review is to ascertain the effectiveness of ARMS so that continual improvement is initiated to strengthen the internal control system. She highlighted that the system generated tax defaulters as of 7.6.2022 report is used to analyse the ARMS system. Following observations on shortcoming and deficiencies were present with detailed examples:

1. System showing data duplication particularly with regard to the plot Id of the individual owner type.
2. System reflecting the owner whose tax is up to date as tax defaulter
3. Plot record still reflected in previous owners name
4. No records of current owner in the system
5. Mismatch of records in ARMS- generate tax payment and tax defaulter report
6. System generated Tax defaulter report does not reflect the actual defaulter.
7. Issues of PLR of Joint Owners in system
8. Taxpayers Information not updated in the System



9. No SOP or strategy to follow up with tax defaulter in the agency

The Internal Auditor then presented the management with few recommendations for the shortcomings:

For observations 1 to 8:

- The ICT section in collaboration with consultants need to make improvements in the system on the short fall reflected in above observations.
- Second, data duplication, dummy information of taxpayers, previous owner's record in the system needs to be deactivated, current owners need to be updated in the system, TTIN which doesn't have information in ARMS needs to be deleted, etc. Overall, annexure 1 needs to screen out actual defaulters and imitate reports to IAU. For this task collaboration between the revenue section, Land record and survey division, ICT and Compliance and enforcement Division.

For observation 9:

- First the Management needs to instruct concerned officials to include the following up with tax defaulter as one of the mandatory activities in the IWP.
- Second, the schedule of tax collection should be from Monday to Thursday where the counter should be opened for collection and Friday should be solely for following up on the tax defaulter. The following up should be done by the Revenue section and land and Survey Division and legal division whenever necessary.
- Develop a clear SOP for tax defaulter follow up cases. For instance, send a reminder via SMS to the defaulters to pay tax within 90 days from the date of notice.
- Make a requirement in divisions like UPD, Land & Survey Division, CoED to check the tax payment details if property owner approach this division for developmental activities
- Since media visibility of ThimphuThromde is gaining momentum, issues notice/ announcement to general public to come for tax payment by citing Land Act of Bhutan 2007, Non –payment of land tax, Clause 224, 225 and 226
- Clause 224; if a land tax is not paid for 3 consecutive years, the Local Authority shall serve a notice to the landowner at the end of the third year to pay the tax with arrears.
- Clause 225 In addition to Section 224 of this Act, the Government may impose fines for non-payment of tax.



- Clause 226 In the event of non-compliance to the notice served under Sections 224 of this Act, the Commission Secretariat shall annul the Thram of such land and the Thram holder shall be informed accordingly. The land shall be taken over as the Government land or Government Reserved Forests land.
- With regard to TT being a defaulter, the responsibility should be assigned to the Asset Manager to pay the taxes on time.

Therefore, the IAU concluded that the overall report was rated as high priority where Managements active attention was required.

Discussion

The Chair stated that tax collection needs to be taken seriously by the management. This report presents the discrepancies between the Land, Revenue, IT and Building Sections and based on the observations of this report, all impacted Sections must collaborate and resolve the discrepancies highlighted.

The Chair also stated that Revenue is the top priority and after the new IT Developer joins, cleaning the data and resolving these discrepancies along with the other sections will be their first task. The IT Developer can also make recommendations on any new features for ARMS that seem necessary but have not been included.

CUP shared that there is a lack of collaboration between the IT Section and LRSD. He said it is the primary responsibility of the LRSD to update any information regarding land as they deal with the property owners directly. He recommended that anSoP was required so each section/division knows exactly what their responsibility is.

The Chair added that it will be up to the relevant sections/divisions whether they come up with a new system or SoP to address these issues as long as it is resolved by 15 August 2022. If they feel that eSakor has the most accurate data, the IT section should look into the possibility of linking it to ARMS. If drastic measurements are required, the Management can assess and provide the necessary resources.

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Decision

The Management decided:

1. By 15 August 2022, all the discrepancies reported by the Internal Auditor need to be resolved by the relevant sections i.e IT, Land, Revenue and Building Sections with the help of the new IT Developer.
2. By 15 August 2022, a final list of tax defaulters need to be identified and Thromde can, if possible, write to them individually and cases will be dealt with accordingly.
3. The Management will meet on 15 August to review how many issues from the report have been resolved.
4. The relevant sections/divisions need to work on a plan that clearly states the responsibilities of each section/division henceforth. This will be reviewed after a few months of implementation.
5. Internal Auditor to share the report to each Division/Section so they are aware of what needs to be done.
6. Internal Auditor to share the report with the Performance Audit team.

Action - IT, Revenue and Building Section and LRSD

Agenda 9.5 Purchase of LED street light fittings

Mr. UgyenDorji of the Electrical Section presented that the approved budget for operation and maintenance of street lights was Nu.300,000 yearly. The previous management has decided to approve Nu.600, 000, which is quite low compared to the expenditures made. He shared that ThimphuThromde has more than 5800 numbers of street lights within urban areas and at various locations as of now and is still increasing yearly.

He shared that they still require a minimum 10% of total LED street light luminaries for maintaining yearly.

$5800 \times 10\%$ 580 numbers x quotation rate (Nu.5320 quoted rate FY-2021-2022)

$580 \times \text{Nu.}5320 = \text{Nu.}30,85,000/$

Their Division needs to immediately replace the damaged street lights which comes around $367 \times 5320 = \text{Nu.}19,52,440/$



Therefore, the Electrical Division is requesting for an additional budget of Nu.19Lakhs in order to maintain the damaged street Lights.

Discussion

The members stated that even though Thromde does not make any revenue from the street lights ,yet a huge amount is being spent maintaining these Street Lights.

Decision

Management directed the Electrical Division to check the charges of the Street Lights to BPC, Annual Tax and the cost of Maintenance and then submit it to the forthcoming Tshogde.

Action- Electrical Section

Agenda 9.6 Follow up Report on Changlimithang Parking Management with BOC

CAO presented that as per the directives of the previous MM, CAO along with the Parking Manager had a discussion with the Secretary General of BOC regarding the Changlimithang Parking. CAO shared that Thromde developed the parking and has plans to give it to the public but the BOC requested the parking so they can run it. BOC had also discussed with LRSD who had agreed to give them the LUC, which CAO was not aware of.

Discussion

Head of LRSD submitted that BOC was told there are 3 different parkings and the LUC is with ThimphuThromde but depending on the number of parking slots, it could be leased to BOC. The rates for the lease etc need to be included in the MOU. He shared that there are around 300 parking slots and it is up to Thromde whether we want to lease or rent it. This can also be done for other off street parking near RRCO and other offices. He also made it clear to BOC that the LUC could not be given to them.

The Chair confirmed that the LUC for the tennis ground had been given to them but the LUC for the volleyball court and the football ground remains. Thromde needs to confirm with BOC whether the LUC for both shall be given to BOC or specifically to the Volleyball and Football Federation.



As for the parking, the Chair said it is not possible to give anyone the LUC but BOC can rent certain portions of the parking after we calculate the number of parking slots. Head, LRSD also shared that the Tennis Federation is seeking to rent the parking space near their office.

Decision

The Management decided:

1. LUC shall be separate for the Volleyball court and the Changlimithang ground. LRSD to discuss with BOC who the LUC should be given to - either BOC or specific federations.
2. The number of parking slots need to be calculated and certain portions of the parking can be rented to the BOC and the tennis federation yearly. It is up to the BOC whether they collect fees or not.
3. If they don't want to rent it, we will give it to our private parking consultants.

Action - LRSD, ADM Section and Parking Manager

Agenda 9.7: Four Lane Median

The Chair submitted that a median for four-lane is required but the Infrastructure Division has been instructed to look at options for design and cost. However, planters should not be considered as they require too much maintenance. Thromde should be able to insert the median without disturbing the traffic.

Decision

The Management decided:

1. IPDS needs to find the best option for the median in terms of design and cost.

Agenda 9.8 Endorsement of SoP for UPD and Driveway guidelines

Regarding the Endorsement of SoP for UPD and driveway guidelines, the Chief UPD shared that he had proposed it during previous management meetings and after that no one paid heed to it. Therefore, he is seeking a way forward from the management.

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Decision

Management directed all relevant Divisions to meet on Wednesday afternoon, 15/06/2022, to discuss and endorse SoP for UPD and Driveway guidelines.

Action- UPD, C&ED, CED and LRSD

Agenda 9.9 Presentation on How Procurement of DI pipes and fittings are done from the savings of WBP

As per the agenda the Project Engineer for the World Bank assisted BUDP-2/AF Project made a detailed presentation to the Management on “HOW the DI pipes & Fittings were procured from the savings of the World Bank Project” in chronological order.

He highlighted that the rates were approved by the Thromde Tender committee members before actual importation of the Pipes. The contractor has supplied the pipes based on the approved analysed rates only. He further clarified that the PIU as well as the TTC considered the proforma invoice as the original invoice as the MOM held on 19/07/2019 proves that the proforma invoice submitted by the contractor was treated as the original invoice based on which the actual rates were approved by the Thromde Management/Tender Committee.

Following are the gist of his presentation

1. For any supply the rates are prefixed before actual supply of the materials by the supplier/dealer, likewise Rates for DI pipes were approved by the TTC prior to supply of the materials
2. The Proforma invoice submitted by the contractor was considered as original invoice by PIU as well as Thromde Tender committee(signed and sealed by the Company)
3. Contractor responds to the RAA observation states they got heavy discount during importation of the Pipes owing to their goodwill relation with the principle manufacturer.

Discussion

The Chairman mentioned that some of the Tender Committee Members have approached him and requested him to transfer the accountability with the RAA for processing their promotion. He also mentioned that accountability can be transferred to him directly, however since it



happened before his joining the Thromde, it was not accepted by the RAA. Therefore he as the head of the agency requested the RAA to temporarily transfer it in the name of Former Project Engineer and the Project coordinator which if required can be transferred back anytime. The chairman however sought further clarifications on the issue from PIU.

The former Project coordinator clarified that as thoroughly discussed and deliberated during the Audit exit meeting in Aug 2020, the accountability for procurement of the DI Pipes with fittings from the savings under the central water supply scheme should be on the Thromde Tender Committee, since the PIU has not decided anything related to the procurement of the Pipes. He further mentioned that some of the tender committee members are trying to misinterpret the MOM without even realising that the procurements were done following due process. He further mentioned that the procurements were not done as per the Proforma invoice alone as pointed out by the RAA but it was based on the approved analysed rate which was based on the original Performa invoice submitted by the contractor. He therefore mentioned that the PIU had not accepted the memo earlier and cannot accept it now since there was no any lapses on PIU's part.

CAO mentioned that there is a MOM which was drafted by PE himself which states payment to the contractor shall be released based on the original invoice from the company. However, it was reported that the payments were released based on the proforma invoice.

The PC clarified that there are no such minutes available and if at all there is one then the accountability should fall directly on the PIU and not TTC members. He further mentioned that if you refer to the MOM and due process followed in order of chronology you will understand better as to when was the meeting held and also the approval accorded by the TTC in a sequence.

Thromde management is of the view that Thromde has followed due process of procurements as the contractor has supplied the DI pipes and fittings in full quantity as per procurement plan approved by the management. The Thromde has no control over the price fluctuation in the market unlike the audit.

Decision

It was decided that the accountability shall be reverted back and wait for investigation by the ACC.

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Action - O&MD

Agenda 9.10 Outsourcing of Sulabh Public Toilet complex near CFM

The Asset Manager presented regarding the outsourcing of Sulabh public toilet. He presented Measurement of public toilet in carpet area on 24/05/2022 as follow:

Toilet cabins	Category	unit	Length	Width	Area Sq.M	Area in Sq.Ft
	Male	6	90	130cm	1.17sq.m	151.2sq.ft
	Female	6	90	130cm		
Bathroom	Male	2	150	130	1.95sq.m	63sq.ft
	Female	1	150	130		
Counter	NA	1	2.8m	1.5m	4.2sq.m	45.2sq.ft
Store	small	1	1.5m	1.5m	2.25sq.m	24.2sq.ft
	medium	1	4.4m	1.5m	6.6sq.m	71sq.ft
	large	1	4.4m	2.7m	11.88sq.m	127.9sq.ft
Total Carpet Area	482.5sq.ft					
Rate per sq.ft	?					
Rent per month	?					

Store: (3 rooms)

Small room: 24.2sq.ft

Medium room: 71sq.ft

Large room: 127.9sq.ft

Total carpet area: 223.1sq.ft

Options:

1. Rental rate as per MoF,,DNP, 2020 for town A IS Nu,13.80 for commercial.

Rent per month as per DNP rate: $\text{Nu},13.80 \times 223.1 = \text{Nu},3080/-\text{p.m}$

2. Vegetable rate: Nu,22/-sq.ft

Rent per month as per vegetable rate: $\text{Nu},22/- \times 223.1 \text{sq.ft} = \text{Nu},4908/-\text{p.m}$

3. Meat shop rate: Nu,70/-per sq.ft

Rent per month as per meat shop rate: $\text{Nu},70/- \times 223.1 \text{sq.ft} = \text{Nu},15617/-\text{p.m}$

Decision- Management decided to charge as per DNPrate that is Nu.3080.



For Sublabh public toilet, he presented the following table and he is seeking Management's directives.

Area Measurement in carpet Area

Toilet cabins	Category	unit	Length	Width	Area in Sq.M	Area in Sq.Ft
	Male	6	90	130cm	1.17sq.m	151.2sq.ft
	Female	6	90	130cm		
Bathroom	Male	2	150	130	1.95sq.m	63sq.ft
	Female	1	150	130		
Counter	NA	1	2.8m	1.5m	4.2sq.m	45.2sq.ft
Total Carpet Area	259.4sq.ft					
Rate per sq.ft	?					
Rent per month	?					

Discussion

Management stated that they must know the total amount of charges collected by the caretaker of the toilet.

Few members recommended giving it to Dr. Toilet as it would encourage Youth Employment.

Decision

Management directed the Asset Manager to collect the average amount of charges collected by the caretaker every month so the management can make a decision.

Action - Asset Manager

Rapporteur- Zulkee Choden Rinzin, Media Relations Officer and
-Tshewang Pelden, Dzongkha Coordinator

