

Analysis of Contractual Process of Users Committees: A Case of Khairahani Municipality, Chitwan, Nepal

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ABSTRACT

Purpose: *The projects at local level in Nepal are found to be executed through users committee or contractors depending upon structure and budget. To assess the existing practice of formation & contractual process of Users Committees while implementing construction projects at Khairahani Municipality Chitwan., Nepal. Design/Methodology/Approach:* *The study was solely the project management practice of the Municipality implementing through UCs using Checklist Survey for projects with cost more than 10 lacs. Data of the 33-sample site (different sectors of construction) will be collected and analyzed to obtain the significance. The information collected from the UCs members through the questionnaire and the consultations. The data were also collected from the Engineers, Sub Engineers, Planning officers, Assistant planning officer, Account Officer, Accountant, and elected representatives employed through questionnaire. All the collected data were analyzed quantitatively and qualitatively using bars, graphs & diagrams and comparison with existing laws.*

Findings/Result: *The UCs in the projects of Municipality was formed by the general mass meeting of local beneficiaries without political interferences or biases. For the construction projects implementation through UCs, its formation was through the participatory approach but it was not strictly followed the prevailing acts, rules, guidelines and directives to local bodies for the composition of UCs. The supervision and monitoring mechanism exists but it was not functioning as well. The projects after the work completion had been examined and cleared within the time. The ownership of the projects, O & M fund and handover of the completed projects was not clearly defined. There were very few projects implemented through UCs that have adverse environmental impact, though the environmental impact consideration should be taken. From the study it is found that both the approaches can be suitable depending on the specific conditions and requirements. Each one of them has its own merits and demerits which do not enact in all situation of rural construction work.*

Originality/Value: *The existing practice of formation and contractual process complies with existing laws, bylaws rules, regulations, and guidelines illustrate law binding nature.*

Paper Type: *Research paper*

Keywords: Users Committee formation, Funding, Monitoring, functioning, rules and regulations

1. INTRODUCTION :

Nepal is an independent country striving for development. Due to its diversity, the social heritage is significant here. So, participatory development is most to assure human consent and feel them the development activities rather than just made development activities. In this regard, Development through Users committee is vital. Decentralization Act 1982 was the main legitimate instrument that set out to arrive at de-concentrating of abilities to the line organizations at the area level [1]. Following the proclamation of the Demonstration, all administration divisions laid out their workplaces at the locale level (MoFALD, 2013) [2]. The principal explanations behind deciding to decentralize are by and

large to guarantee a more noteworthy degree of cooperation and impact of the residents on the dynamic interaction and to improve the viability and effectiveness of the conveyance of public administrations (Bryld, 2003) [3]. Various national-level documents provide the legal and operational frameworks for local level planning and budgeting. Important documents include: Local Government Operation Act, 2074 [2017], Intergovernmental Fiscal Transfer Act, 2074 [2017], Reference guidelines for Local Level Planning and Budgeting, 2017 (MoFAGA), Handbook for Local Level Planning and Budgeting, 2020 (MoFAGA), Planning and Budgeting Guidelines for the Local Level (National Planning Commission), Planning and Budgeting Guidelines for the Health Sector, 2018 (MoHP) and Programme Implementation Guidelines, various years (MoHP) [4].

2. STATEMENT OF PROBLEMS :

The government has promulgated initiated a decentralization process that delegates more authority to local bodies. Local Government Agency (LGA) projects are planned and implemented by applying variable degrees of project management processes ranging from formal to informal. In local bodies, the management teams are in search of good management practices implementing through Users Committees. Since there are different sectors of projects viz; road, irrigation, water supply, trail bridge, building etc. in local bodies, there are versatile trends in implementation modality of the projects through UCs. Most of the projects implemented through users were found lacking to deliver the services with desired quality on time. The issues of dissatisfaction with project performance were raised in the review meetings and other discussion programs. It was discussed that LSGA and GoN guidelines for monitoring should be followed, including the requirement for establishing a M & E committee and a M & E sub-committee. The questions like people's participation in projects, lack of supervision of technical manpower, poor quality and project sustainability were commonly raised in public hearing [5, 6, 7, 8, & 9].

3. OBJECTIVES :

To assess the existing practice of formation & contractual process of Users Committees while implementing construction projects at Khairahani Municipality Chitwan, Nepal.

4. LITERATURE REVIEW :

The projects which cannot be financed by the DDC are endorsed to the MoFALD and other Central Government Ministries, which are then discussed in the National Planning Commission [5 & 7]. Local level projects used to be planned using 14 steps [5] but now, after the restructuring of the state to 753 local level units the primary regulatory act "Local Government Operation Act, 2074", the planning cycle follows a time-bound, 7step process.

The 7 Step Annual Planning Process of Local Level:

The Rural municipality or municipality shall complete the following detailed process while formulating its annual development plan.

Step -1: Pre-preparation of budget

- a) To submit the projected data of income and expenditure to the Federal Government.
The rural municipality or municipality shall send the details of the projected income and expenditure for the coming Fiscal Year to the Federal Ministry of Finance in the format as per Schedule 1 by the decision of the Executive Committee on the recommendation of the Revenue Advisory Committee and the Budget and Resource Estimates Committee.
- b) To get the budget limit from the Union and the states
To get the details of the resources available to the local level in the coming Fiscal Year from the federal government through revenue sharing and financial equalization grant by mid-February and the estimated details of the financial grant to be received from the state government for the local level in the next Fiscal Year by mid-April.
- c) To separate thematic areas: -
The development activities to be carried out by the village or municipal executive within its area will have to be given thematic area responsibilities to the members of the executive.
 - I. Economic Development: To include sectors like agriculture, tourism, industry and commerce, cooperatives, finance under this sector.
 - II. Social Development: Education, Health, Drinking Water and Sanitation, Culture Promotion,

- Gender Equality and Social Inclusion (Women, Children, Senior Citizens, Persons with Disabilities, Dalits, Adivasi, Janajati, Madhesi, Muslim, Tharu, Minorities, etc.) To do
- III. Infrastructure Development: To include areas such as roads and bridges (including suspension bridges), irrigation, building and urban development, energy, micro and small hydropower, communication.
 - IV. Forests, Environment and Disaster Management: To include areas such as forest and soil conservation, watershed protection, climate change, waste management, water borne disaster control, disaster management, fire-engine operation.
 - V. Good Governance and Institutional Development: Human Resource Development, Institutional Capacity Development, Revenue Operation, Financial Management, Financial Risk Reduction, Public Hearing, Social Examination, Internal and Final Audit To include areas such as citizen satisfaction survey and inter-agency coordination.

Step -2: Determining resource estimates and budget limits

- a) Local Revenue Advisory Committee
Subject to the Constitution of Nepal, Local Government Operation Act, 2074 BS and other prevailing laws. Will have to
 - (i.) Vice President or Deputy Chief - Coordinator
 - (ii.) Chief Administrative Officer - Member
 - (iii.) Out of the members of the executive appointed by the executive - 2 members including 1 woman
The municipal level chairperson of the recognized private sector industry and commerce organization or Designated Representative - Member
 - (iv.) The town or village level chairperson of a recognized organization related to domestic and small scale industries or Designated Representative - Member
 - (v.) Head of Revenue Division / Department or Branch of the Executive - Member-Secretary
The local revenue advisory committee projected the revenue in the format as per schedule 2 and should be submitted to the municipal executive level by the 15th of Paush.
- b) Resource Estimates and Budget Limit Determination Committee
In order to determine the internal revenue received in the village municipality and municipality, the amount received from revenue distribution, projection of grants, loans and other income and to determine the outline and budget limit of its balanced distribution, there will be the following resource estimate and budget sealing determination committee.
 - (i.) Chairman or Mayor - Coordinator
 - (ii.) Vice-Chairman or Deputy Mayor - Member
 - (iii.) Representation of women, dalits or minorities among the members of the executive Four members nominated by the chairperson or Mayor - -Member
 - (iv.) Chief Administrative Officer - Member-Secretary
The committee should have completed its work by 10th of Baishakh of each year. The budget limit of the next fiscal year prepared in this way should be made available by the Chief Administrative Officer to the thematic divisions / branches and ward committees of the municipality by Baishakh 15 of each year.
- c) Method of determining budget limits
Rural and municipalities should determine the budget limits on the basis of the following priorities:
 - (i) Necessary amount for projects of pride at village or municipal level.
 - (ii) The amount required for the project requiring a supplementary fund.
 - (iii) The amount earmarked for the conditional grant program.
 - (iv) Amount required for the implementation of national / international commitments including the goal of sustainable development.
 - (v) Others Urgent tasks to be done by the village municipality / municipality itself as per the Local Government Operation Act.
 - (vi) Only after allocating the required amount to the above-mentioned areas, the remaining amount will have to be determined on the basis of population, area, condition of human development, condition of infrastructure development, development cost, condition of revenue mobilization and condition of cost sharing. But Ward Wise Proportional distribution will not be able to allocate the budget.
 - (vii) While determining the budget limit, the amount required for the empowerment of such areas should also be determined on the basis of the social and cultural diversity at the local level.

(viii) From the total budget limit of the village or municipality, the budget limit for other programs should be determined by allocating the required budget for salary allowance and office operation. Thus, while determining the budget limit for administrative expenditure, it should be done in such a way that it does not exceed the amount received from revenue distribution and the amount of internal revenue.

d) Basis of project prioritization

In addition to determining the budget limits, the Resource Estimates and Budget Limit Determination Committee will have to determine the basis for project prioritization in accordance with the format mentioned in Schedule 3. While prioritizing projects at ward, village and municipality level, it should be done as per schedule 3.

Step -3: Tole/Settlement level project selection

When choosing a Tole/settlement level Project, the following should be done:

- (i.) The ward committee shall provide responsibility to the members representing in its ward to facilitate the planning of various settlements / tolls.
- (ii.) Each ward shall inform the settlements within the ward at least three days in advance of the date, date and time of the meeting for formulation of the plan through public notice.
- (iii.) All sections and communities (women, Dalit, Adivasi, Janajati, Madhesi, Tharu, Muslim, Oppressed, Backward Class, Minority, Marginalized, Youth, Children, Senior Citizens, Gender and Sexual Minorities) Representation of persons with disabilities, backward classes, etc.) should be ensured.
- (iv.) Active community organizations (toll development organizations, mother groups, wall clubs / networks, youth clubs, civic awareness centers, groups formed from various government offices) should also be involved in the planning process of the toll level.

As mentioned above, in order to have maximum participation of the stakeholders, the plans should be selected by interacting, discussing and discussing with the ward members in the prescribed time, date and place. The coordinator will have to send the list of selected schemes to the ward committee in writing.

Step -4: Selection and prioritization of schemes in the ward.

Based on the budget limits and guidance received from the Resource Estimates and Budget Boundary Determination Committee, the concerned wards will have to submit the budget and program formulation in the format as per schedule 4 including the selection and priority of the schemes subject to the budget limit received for the ward from the Basti / Toll.

The ward committee may include such schemes within the budget limits of the ward committee on the basis of justification in case important schemes of the ward level are exempted while requesting the scheme from the slum toll. If there are important projects at the village and town level which cannot be implemented within the budget limits of the ward, the ward committee may send separate lists to the villages and municipalities.

While prioritizing the projects by the ward committee, the resource estimate and budget limitation should be done according to the bases specified by the committee.

Step -5: Budget and program formulation

a) Formation of budget and program formulation committee.

In order to formulate the annual budget and program at the local level based on the projection of income, distribution plan and budget limit determined by the Resource and Budget Limit Determination Committee, the following budget and program formulation committee should be formed:

- (i.) Vice President or Deputy Chief - Coordinator
- (ii.) Members of the village or municipal executive to look after the thematic area - Members
- (iii.) Chief Administrative Officer - Members
- (iv.) Head of Planning Division / Department or Branch - Member Secretary

In drafting the budget, the draft of the annual budget and program prepared by the committee in the format as per schedule 5 should be submitted to the executive through the chairperson by 5 June. When submitting the draft of the annual budget and program, the financial bill should be submitted in the format as per schedule 6 and the appropriation bill should also be submitted in the format as per schedule 7. All those schedules are standard as given in Local Government Operation Act, 2074 BS [10].

- b) Thematic plan prioritization
The Budget and Program Committee shall make arrangements to prioritize the plans received from the ward according to the local level periodical plan, sectoral policies and resource estimates and project priority basis and guidance prepared by the Budget Boundary Determination Committee.
- c) In formulating the annual budget and program
The budget and program formulation committee will have to prioritize and formulate the following plans in such a way that they are not repeated in the program.
 - (i) Thoughts, goals, objectives, strategies of local level periodic planning
 - (ii) Medium term expenditure structure at local level
 - (iii) Budget limits received from the Budget and Program Committee, guidance and basis for plan prioritization
 - (iv) If there is a need to select important projects at the village / municipality level which have not been prioritized by the thematic committee, such plans will be ensured on the basis of clear basis and justification. It can be also included.
 - (v) It is not possible to complete the plan only with the resources of the local level but at the local level
 - (vi) It will be proposed to operate the schemes that meet the essential and prescribed criteria from the supplementary grant.

Step -6: Approval of budget and program from village or municipal executive

The annual policy and program, revenue and expenditure estimates (annual budget) submitted by the budget and program formulation committee will have to be approved by the village or municipal executive and presented to the assembly.

Step -7: Approval of budget and program from village or municipal assembly

- a) Budget and program presentation:
The annual budget and program approved by the village or municipal executive should be submitted to the village or municipal assembly by July 26 through the vice president or deputy chief or any member of the executive appointed by the executive in his / her capacity. While presenting the annual budget, the actual details of revenue and expenditure of the last fiscal year, revised estimates of the current fiscal year and plans and programs for the coming fiscal year, estimated details of income and expenditure and medium term expenditure structure should be disclosed.
- b) Budget and program approval:
An annual policy and program for the coming fiscal year presented in the village or municipal council, revenue, and expenditure estimates (annual budget) shall be prepared in such a way that the discussion work is completed within 15 days of being presented in the meeting.
 - (i) After the discussion in the assembly, the assembly may pass the budget or send it back to the executive with suggestions.
 - (ii) If the budget received with suggestions is reconsidered by the executive with necessary modifications or if it is not found necessary to make modifications, it will have to be resubmitted to the meeting within 5 days with reasons.
 - (iii) The budget and program re-submitted by the executive should be passed by the concerned assembly by mid-July.
 - (iv) The annual budget and program approved by the assembly shall be published for public information by Shraavan 15 as of Nepali calendar which is almost at last of July as of English date, Also it should be published on the website of the concerned village or municipality. It is summarised together from different sources application [4, 10, 11, 12,13,14,15, & 16].

5. METHODOLOGY:

5.1 Study Area:

5.1.1 Location

This is assessment research with the aim of Performance Assessment of User's committee of the Construction projects at Khairahani Municipality, Nepal, in the context of selection and contractual process of Users Committees practices of public construction the effectiveness of the construction projects. It is emphasizing on examining the performance of the Users Committees on those projects. The location of research area is shown in Figure 1.

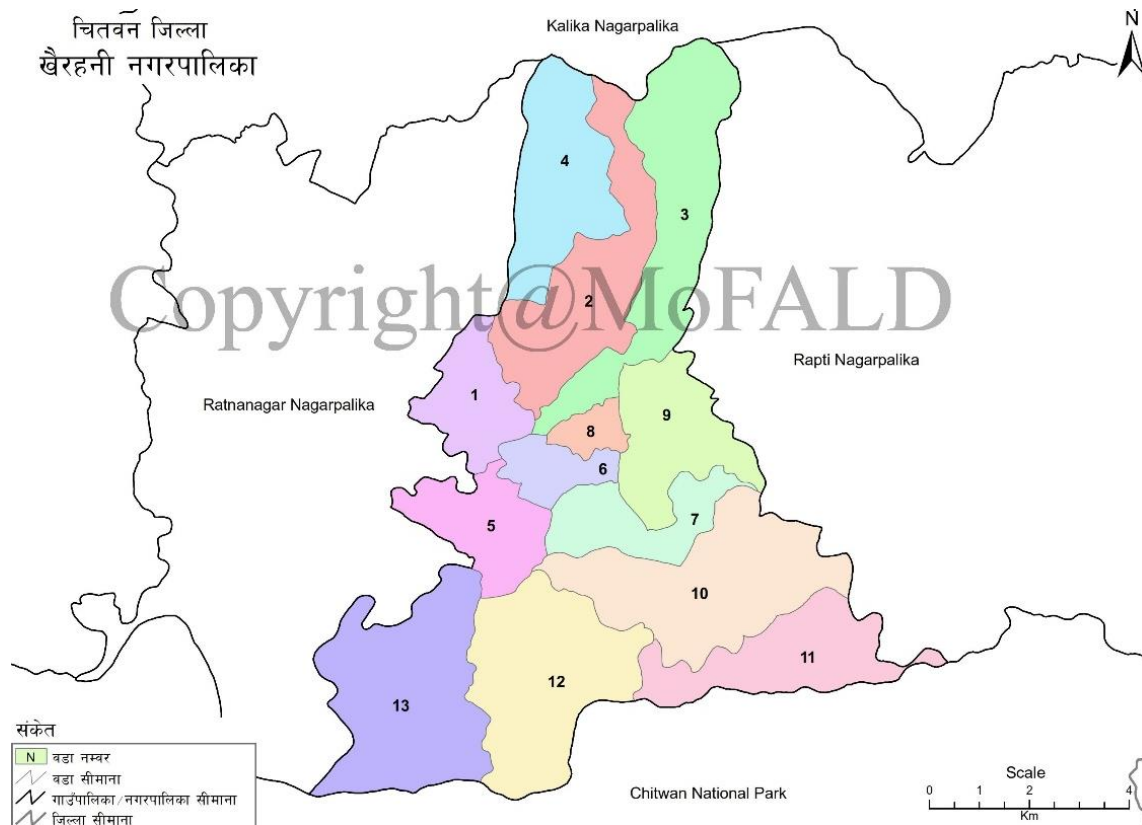


Fig. 1: Location map of Study Area

(Source: https://www.sthaniya.gov.np/gis/images/GaPa_NaPa_Map/35.Chitwan/Individual_GaPa_NaPa/3.jpg) [17]

5.1.2 Facts of Khairahani Municipality:

Official Name	:	Khairahani Municipality
Population	:	66629 (Khairahani Municipality, 2018)
Location	:	27° 37' 0" N, 84° 36' 0" E
Altitude	:	208m from sea level.
Temperature	:	10°C to 38°C.
Area	:	85.57 Sq Km.
No. of wards	:	13
Total Project constructed	:	461 no (in F/Y 2075-76).
Total Project constructed => ten lakhs	:	33 no (in F/Y 2075-76).

5.2.2 Sampling:

All the construction projects implementing through Users Committees in Fiscal Year 2075 to 2076 in the Khairahani Municipality, Chitwan will be consider as target population. The total number of construction projects implementing through UCs in these fiscal years are 461. Most of the projects less than ten lakhs budget were of related to trainings, awareness programmes, maintenance of existing structures. The construction projects implementing through UCs having budget equal to or greater than ten lakhs are taken as sampling unit. The number of construction projects through UCs ≥ 10 lakhs in the above fiscal years were 33. (Source: Planning section, Khairahani Municipality, Chitwan). The census survey was carried out for all 33 projects.

Population details (Sector Wise)

The total number projects ≥ 10 lakhs in the above fiscal year were as follows.

Table 1: Total Sample Projects

S. N.	Project name	Project Code	Ward No	Latitude	Longitude	Estimated /Contract Amount (NRs)	Project Type
1	Lothar Rapti Dike New spar construction	1	11	27.566054°	84.610143°	5931884.55	River Training
2	Faseragaunko Baatoma Dubai TarfanaalaNirman	2	5	27.590608°	84.555894°	1158942.32	Drainage
3	Ganesh Chowkbatomuni Deep Boaring	3	4	27.645343°	84.561009°	5791525.00	Water Supply / Irrigation
4	Darai Home Stay Nirman	4	12	27.567989°	84.567586°	2883072.67	Buildings
5	Ward no 11 Pidrahani Gaidachowkdek hiwodakaralayajaneBaato	5	11	27.568941°	84.603799°	1801060.29	Roads
6	LotharRapti Dike New spar construction	6	11	27.565531°	84.596463°	3847986.87	River Training
7	Janakpur Dhal Nirman	7	12	27.565448°	84.555975°	1153473.72	Drainage
8	UmrahaGholma a Wall Nirman	8	12	27.566319°	84.570717°	1155081.95	River Training
9	Niraulako Ghardekhi Malpothudai Uttar tarfa Pathakkogharhu daipampha Kholasamma Naala Nirman	9	6	27.609833°	84.563783°	1153414.09	Drainage
10	Bhuwanishankar Multipal College Infrastructure Construction	10	6	27.609069°	84.563534°	1161123.23	Buildings
11	Woda no 5 koKhairahani Chowkdekhi RNP	11	5	27.605102°	84.551996°	3006561.53	Roads

	Seemanasamma kalopatre						
12	DhungreKholapuldekhi Purba Tarpako Dike Maintenance	12	5	27.586363°	84.555942°	1223229.82	River Training
13	FaserachowkDe khiFasernichow kBaatokalopatre	13	5	27.602478°	84.550530°	2401126.95	Roads
14	Bisara Chowkdekhi Maheshkogharamma Dhal Nirman	14	13	27.570762°	84.547273°	1157011.35	Drainage
15	Hom Bahadur ChowkdekhiHatti counter samma Dhal Nirman	15	13	27.570675°	84.526289°	1152610.12	Drainage
16	Naala Nirman Kailaash Koghardekhi Hattikhamadissamma	16	10	27.585251°	84.603398°	1153449.98	Drainage
17	Amrit Kulo Kharkhutte	17	10	27.569157°	84.589505°	1500840.57	Water Supply / Irrigation
18	Ward no 10 Kathaardekhi Purbajane Baato Pitch	18	10	27.586977°	84.603279°	3963096.05	Roads
19	JanakalyanKashakhakulo Lining	19	10	27.572051°	84.587898°	1150637.69	Water Supply / Irrigation
20	Kankali Saamudaaik Bantarpha Paryataan Bikash	20	4	27.653197°	84.570341°	9978954.83	Buildings
21	Maganichowknajik Pampha Kholakonadinyantran	21	8	27.610936°	84.574996°	2594502.80	River Training
22	Osho Camp Gate dekhi Jhuwanikulosam	22	5	27.598449°	84.554201°	1152105.42	Drainage

	ma Naala Nirman						
23	Woda no 6 Khairahanchaud harigaun Dhal Nirman	23	6	27.604038°	84.556533°	3335634.36	Drainage
24	Purano Rajmargakodub aitarfa dhal nirman	24	7	27.603081°	84.590733°	2534217.62	Drainage
25	Ward no 7 majhuigaunkoa dhuro Dhal Nirman	25	7	27.604565°	84.582657°	1728362.35	Drainage
26	Udhogbanijya sang Khairahani Sangasahakarya	26	8	27.613260°	84.568348°	2800735.72	Buildings
27	Nirbaachankshat rabikas Karyakram Khairahani NP (parsa) Gumba Nirman	27	8	27.613001°	84.573773°	1735164.39	Buildings
28	Shanti Mainalikoghard ekhi Bhusallamakogh arsammamozic tile	28	9	27.610197°	84.588840°	1215258.00	Roads
29	Surtanitharugau nmaa Dhal Nirman	29	9	27.606734°	84.583443°	1499878.85	Drainage
30	Gopalshshkogha rbaata pampa kholasamma Dhal sahit Slab nirman	30	9	27.613182°	84.590753°	1612650.11	Drainage
31	Khageshorikogh ardekhi DakshinsammNi rantar Dhal Nirman	31	9	27.610148°	84.596699°	1152610.29	Drainage
32	Dadagaun Khanepanichow kbaat Roshansiwakoti koghardekhi	32	9	27.614180°	84.600106°	3004327.04	Roads

	Uttar sayapatritolsam maKalopatre						
33	Mukeshregmiko ghardekhi Dwarikapradhan kogharsamma Mozi tile Lagaune	33	8	27.613909°	84.570871°	1213688.40	Roads

There were 5/5 numbers of Buildings and River Training projects where as only Water Supply / Irrigation projects and 7 Roads followed by the maximum number of Drainage that is 7 projects.

5.3 Data Collection:

5.3.1 Primary Sources of Data

The primary data was collected from the UCs members, the officials involving in the projects through UCs. UCs members were selected from each of the construction project and the selection of the respondents from UCs based on availability in the project area. The information was collected from the UCs members through the check lists, questionnaire and the consultations. Similarly, data was collected from the Engineers, Sub Engineers, Planning officers, and Assistant planning officer, Account Officer, Accountant, and Store keeper employed in the Khairahani Municipality through questionnaire.

Data collection Tools/Techniques

The following techniques will be used for the collection of primary data.

Table 2: Primary data collection Tools/Techniques

S.N.	Tools	Target group	No. of Respondents/ Projects
1	Interview Questionnaire [18,19,20,21,22,23,24,25 & 26]	Users Committees president & Secretary	66
2	Questionnaire on Comparative study of UC and contract approach [18,19,20,21,22,23,24, 25 & 26].	Mayor, Monitoring & evaluation committee coordinator (Deputy Mayor), Ward Chief, Chief Administrative Officer (CAO), Chief of Technical Section etc. employed in the Khairahani Municipality and Other neighbor Municipality.	33
3	Site visits with check list	Photographs of sampled selected project sites	33
4	GPS	Coordinate points of the all-selected project sites	33

5.3.2 Secondary Sources of Data:

The published and unpublished documents, reports, minutes of UCs, policy guidelines and documentation available in Khairahani Municipality were reviewed to collect the relevant information. The documents made available by the UCs will also be the source of data. Besides this, internet and websites also served as secondary sources for present study.

5.4 Data Compilation and Processing:

All the data and information collected from the primary and secondary sources was compiled and it was processed initially. The processing comprises editing, classifying and tabulation for the easy analysis with the use of computer software Microsoft Excel, SPSS and Microsoft word.

5.5 Data Analysis:

All the collected data were analyzed quantitatively and qualitatively. The quantitative data were entered in Excel. Responses were analyzed in percentage. Qualitative data collected through questionnaires were used to assess the project performance implementing through UCs. Using Descriptive statistics & Content Analysis as data analysis technique, the raw data were presented in the form of explanation, understanding or interpretation.

5.6 Reporting and Presentation:

Report writing was carried out after compilation and analysis of all primary and secondary information and data. Qualitative data was presented by developing the logical sequence and in pictorial forms. The result obtained from analysis of quantitative data was presented in tables and graphical charts (Pie charts, bar charts) with the use of computer software Microsoft Excel and Microsoft word.

5.7 Research Matrix:

Table 3: Research Matrix

Objectives	Data Collection	Analysis	Expected output
To assess the existing practice of formation & contractual process of Users Committees while implementing construction projects at Khairahani Municipality Chitwan.	Checklist Survey for projects with cost more than 10 lacs.	Analysis using bars, graphs & diagrams and comparison with existing laws.	The existing practice of formation and contractual process complies with existing laws, bylaws rules, regulations, and guidelines

6. RESULTS AND DISCUSSION :

6.1 Formation and Contractual Process of Users Committee:

The formation of Users Committee and contractual process of UCs was analyzed to assess the project management practices under Khairahani Municipality, Chitwan, Nepal. The Analysis regarding Formation and Contractual Process of Users Committee was done in basis of data from the legal provision in PPA (2063), PPR (2064), PO&M (2075)[10 &14], Checklists survey of individual project and Interview questionnaire to UC’s member.

6.1.1 Process of Users Committees Formation:

Based on the responses provided by UCs members regarding the information about the formation of User’s committee, the 72.73 % of the respondent were informed by Notice of Municipality, the 12.12 % of the respondent were informed by Letter of Municipality, 6.06% of the respondent were informed by Notice of ward office and 9.09% of the respondent were informed by others means or information. As per PPR (2064), Rules (97), Sub-rule (2)[17,18,19, &20]- For the purpose of sub-rule (1), a public entity may invite proposals by publishing a public notice setting out the nature, quantity of the concerned work or service, required amount, amount to be borne by the users' committee or beneficiary community and other necessary matters or such committee or community itself may submit a proposal or application. The result showed that the public entity provide information through notice, letter etc. complying the prevailing rule.

Based on the project checklist survey, out of 33 construction project, the UC’s of the 30 construction project were formed in the second trimester & 3 construction projects were formed in the third trimester of the fiscal year 2075/076.

Table 4: UCs formation period in the fiscal year 2075/76

UC was formed in period of fiscal year	Number of Project
First trimester	0
Second trimester	30
Third trimester	3
Total	33

As per the PO&M (2075), Paragraph (2), Rule (4), Bylaw (1, A)[10 &14]For the formation of user’s committee, the time, date, place and subject of the general meeting shall be made public at least seven days (7 days) before the date of such meeting.

Based on the responses provided by UCs regarding when UCs was formed, the data shows the responses that no official letter was received by any members of beneficiary’s for formation of UCs from Municipality.

Similarly as per checklist survey, the municipality has not sent any letter informing the concerned consumer group about the time, date and place for formation of UC for the implementation of the project, but it has been found that all UCs have been formed by mass meeting by their own.

As per PPR (2064), Rules (97)[19], the provision that the Procedures of carrying out work through users' committee or beneficiary community is

Sub-rule (1) - Notwithstanding anything contained elsewhere in this Regulation, a construction work or service related thereto the cost estimate of which does not exceed ten million rupees may be caused to be executed by or obtained from a users' committee or beneficiary community consisting only of the inhabitants residing in that place and from the community using such service.

Sub-rule (1a) - The cost estimate up to Rs. 1 karor (10 million) mentioned in sub-rule (1) shall include value added tax, overhead contingency amount and amount of public participation.

As per the PO&M (2075), Paragraph (2), Rule (4), Bylaw (1) – For the formation of the committee, the time, date, place and subject of the general meeting shall be made public at least seven days (7 days) before the date of such meeting.

Based on the responses provided by the UCs representative regarding information of the legal procedure of the UCs formation, it was found that 12 % of the respondent were unknown about the legal procedure of the UCs formation, 79% of respondent has somewhat knowledge in the procedural guideline of UCs formation and only 9 % of the respondent were known about the procedural guideline of UCs formation. According to interview questionnaire survey to the UCs members, the UCs of 94% construction project were formed by the general mass meeting & understanding and remaining 6% UCs of the construction project were formed other practice. No UCs were formed by election system &Ward / Municipality appointment.

As per the response provided by the UCs members, at the time of UC formation, municipal representatives were present in 9% of the projects, ward office representatives in 85% of the projects and representatives of other donor agencies in 6% of the projects. Thus, according to the project's checklist survey, it is found that the presence of Municipal (Ward / Municipality) Representative in 31projects and Donor / Other representative in the remaining 2projects.

So, the result shows all the UCs were formed by general mass meeting thus found to be participative and democratic.

As per PO&M (2075), Paragraph (3), Rule (9)[10 &14] - regarding Capacity Development of the User’s Committee, the municipality should provide information and orientation about legal procedure of UC’s formation at mass meeting, the result showed only 9% of respondent were about legal provision. In the local government, where majority of projects were executed by UC’s, there should be strong criteria for developing their capacity.

6.1.2 Composition of Users Committees:

As per the response provided by the all 66 respondent on the social inclusion during formation of UC’s, showed UC is partially inclusive But in the scenes of geographical representation, 62 out of 66nos of respondents claimed that their UC geographically covers the project area and only 4no’s of respondents think that their UC does not cover geographically to their project area.

Table 5: Inclusiveness in formation of UC’s.

Information of Inclusiveness	Inclusiveness in UC	Geographical Representation
Yes/ Completely represent	0	62
Partially represent	66	4
No	0	0
Total	66	66

Based on the selection of the projects, it was found that at least 7 members UCs was formed in each project. It varies from 7 to 11 members UCs. In the selected projects, regarding the composition of UCs, it was found that the participation of women in UCs varied from minimum of 33.33% to maximum of 71.42% with average participation of 47.28%.

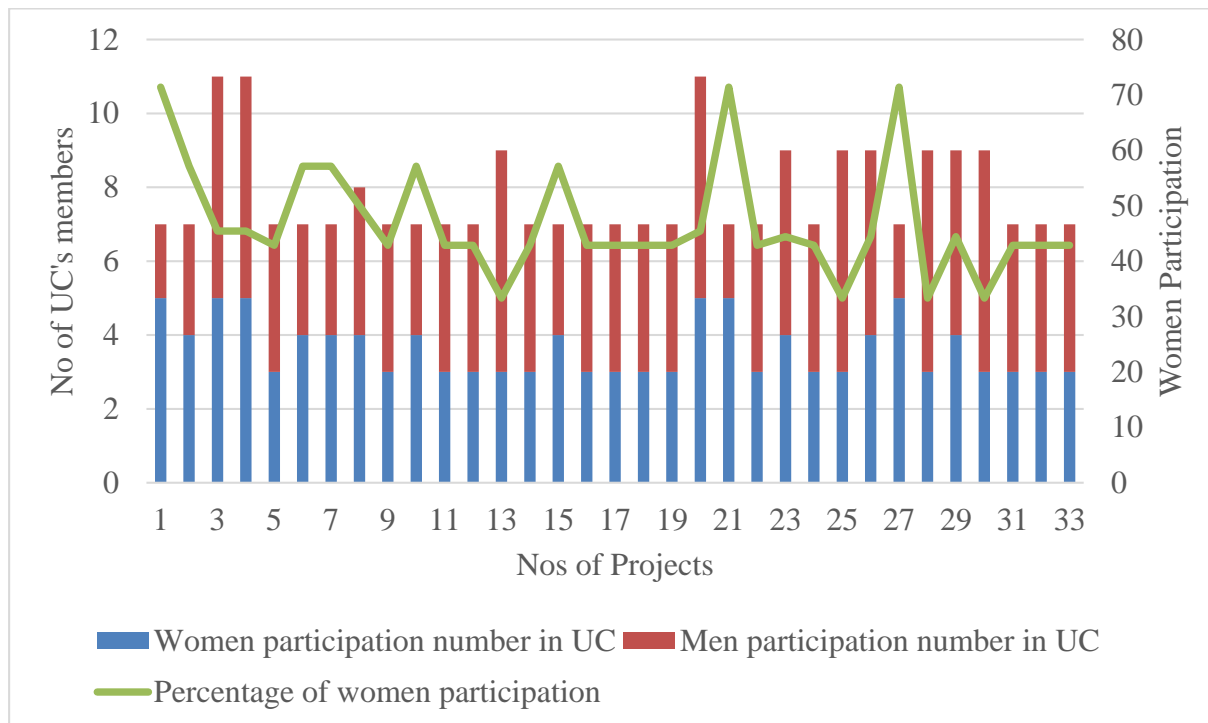


Fig. 2: Participation in UCs

According to the project's checklist survey, in all projects more than 33% of women were selected as a UCs member and there is also At least one woman representative of the chairperson, secretary and treasurer in the committee.

As per the PO&M (2075), [10 & 14] Paragraph (2), Rule (4), Bylaw (1, B & F) A seven to eleven (7 to 11 member) User's committee shall be formed at the project site with maximum participation from the general meeting of the User'ss directly benefited from the project. Similarly social inclusive principles should be followed while forming User's committee. The committee should have at least 33 percent women members. At least one of the chairperson, secretary and treasurer of the committee should be a woman representative.

So, the composition of the UCs & participation / representation of women was seems to be as per the legal provision and it is due to awareness in women in local government and enforcement provision in laws. But the geographical participation should be encouraged to enhance user's capacity.

6.1.3 Formation of Monitoring and evaluation Committee:

The municipal board has formed the municipal level & ward level M&EC as per the provision in Local Level Annual Plan and Budget Planning Direction, 2074.

According to interview questionnaire survey, the project level M&EC of 94% of construction projects were formed by the general mass meeting & understanding and remaining 6% project level M&EC of the construction project were formed by other methods. Similarly no any ward level M&EC were formed by election system & Ward / Municipality appointment.

As per the checklist survey all 33 projects, UCs forms their project level M&EC having minimum 3 members including minimum of one woman representative, with major responsibility of monitoring and instructing for quality work.

As per the Local Level Annual Plan and Budget Planning Direction, 2074 (Clause - 6.2.1 & Clause - 6.2.3)[10], there is provision of monitoring and supervision committee in municipal and ward level, coordinator being deputy mayor and ward chairperson respectively.

The result showed that in all projects has project level M&EC as per prevailing rules, the monitoring and facilitating committee should be formed at the time of UCs formation and found to be compiled.

6.2.1 Contract management and Implementation with Users Committees:

6.2.1 Estimate/Design/Drawing

It was found that, Regarding whether or not there was a meeting or discussion at UC prior to Estimate preparation, 41% of respondents said they had a meeting or discussion and 59% of respondents said no meeting or discussion.

As per project checklist survey, regarding who prepared the estimates, 94% of the project estimates were prepared by the municipal engineer / technicians and 6% of the project estimates were found by the technicians appointed by the donor agency.

Table 6: Types of drawing attached with estimate

Estimate Prepared by	Number of Project
Municipal engineer / technicians	31
Engineer / technicians appointed by UC	0
Technicians appointed by Donor agency	2
Other	0
Total	33

The result showed, 100% project’s estimate were prepared after the field visit by the engineer / technicians. For discussions on estimate preparation, UCs of 6% of the project contacted engineers / technicians by letter and UCs of 94% of the project contacted by phone.

It was found that regarding drawings attached in the project’s estimate, 15 projects has not attached any drawings, 10 projects has attached only hand sketches and 8 projects has attached Auto CAD drawings.

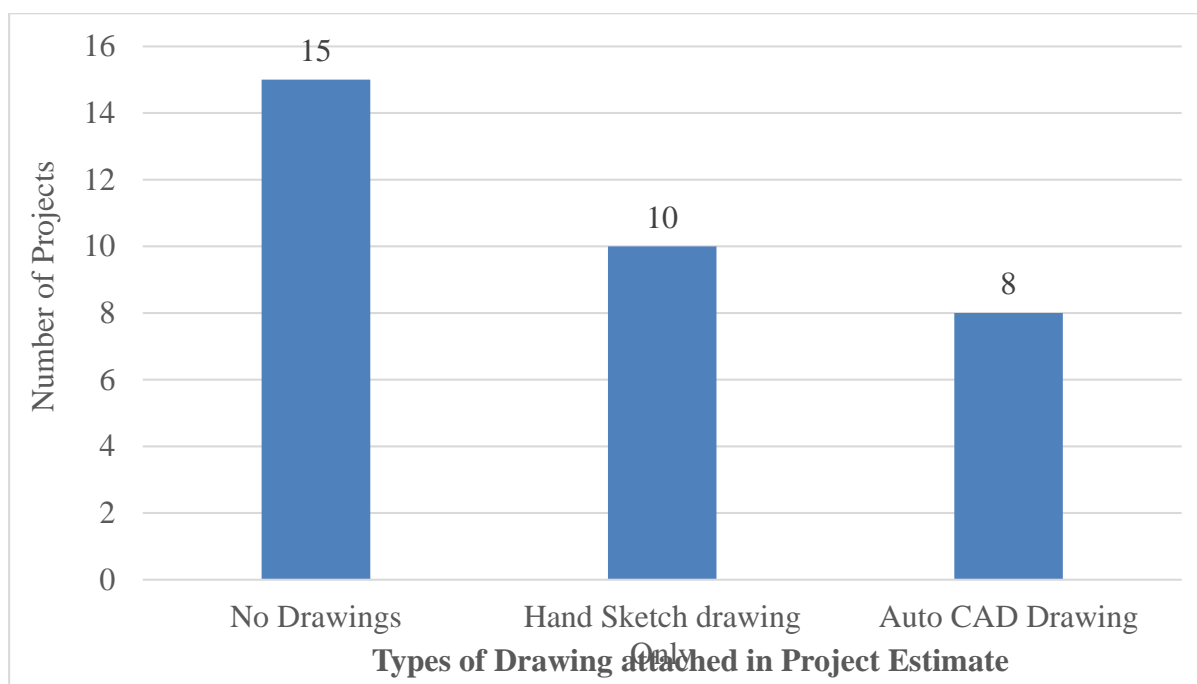


Fig. 3: Types of Drawing provided to UCs

Similarly, 100% of the project’s estimate was prepared by using computer but there were no any structural design attached in any of the 33 construction projects. And also there is no any separate detail specification attached in project estimate but it was found that all 33 project’s except the general work description included in BoQ.

As per (PO&M of UC- 2075) [10 &14], Paragraph (3), Rule (7), Bylaw (1) – After the formation of the User’s committee, the drawing, design and cost estimate (prepared in Nepali language) of the project should be approved and made available to the User’s committee.

Once the UCs have been formed, detailed designs and cost estimates need to be prepared to execute the project. The preparation of cost estimates based on the existing norms and the choice of design by the Municipal engineers & Technician and then finalized after the discussion of the results with the UCs and beneficiaries.

The estimate/design/drawing was prepared by the concern technician visiting the site with the co-ordination and participation of UCs. The technician had prepared the cost estimate stating public contribution in percentage. The estimate was not prepared by breaking down the details (material, labor & equipment quantity individually) of the item wise quantities contributed by beneficiaries. Due to small scale projects, it is not necessary to provide Auto Cad drawing in all the projects. But depending upon the nature of the projects, the Auto Cad drawing or hand sketch with all dimension is must for the smooth execution of construction work.

6.2.2 Users contribution in project Cost:

As per the response of UC’s members about the appropriateness of the Users contribution proportion in project cost, 100% of the respondent response that it is a burden to UG.

Regarding easiness in user contribution collection, 35% respondent feels easier to collect cash in contribution, 29% respondent response that kind contribution is easier to collect & the 36% respondent response that both types of contribution are easier to collect.

As per the project checklist survey, it was found that the Out of 33 projects, UCs of 2 projects made all cash contributions, UCs of 1 project made all kind contributions and UCs of the remaining 30 projects made all cash and kind contributions.

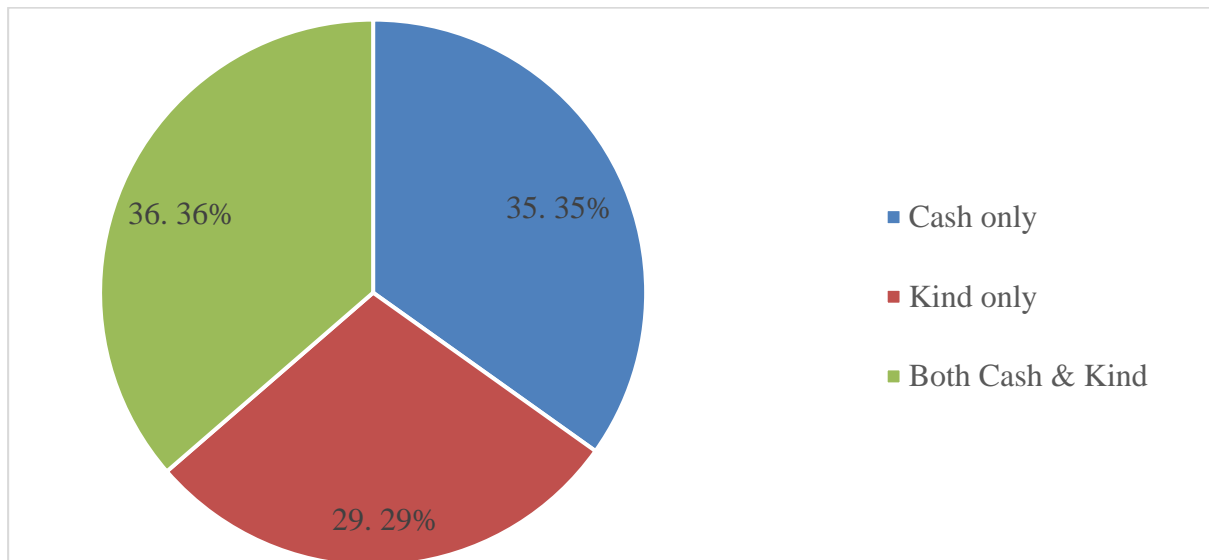


Fig. 4: Types of contribution easier to collect

Based on the total contract amount of all the 33 projects, it was found that 85.82% is municipal budget, 13.68% cash contribution by UG and 0.50% kind contribution by UG.

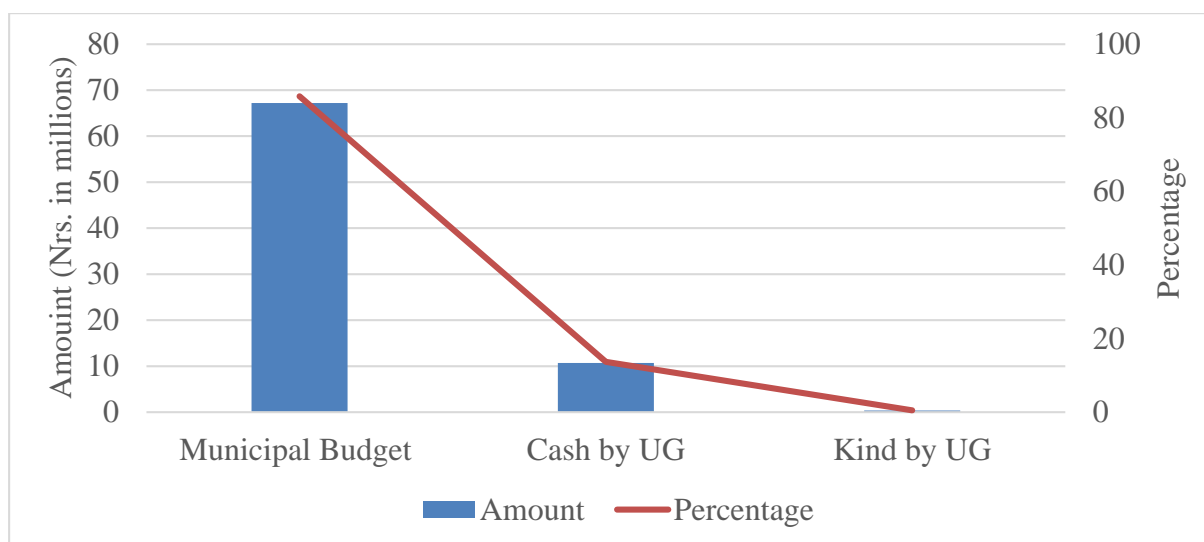


Fig. 5: Budget sharing

Based on the total contract amount of all the 33 projects, it was found that 85.82% is municipal budget, 13.68% cash contribution by UG and 0.50% kind contribution by UG.

As per PPR (2064), Rules (97), Bylaw (3) [19] – Depending on the nature of the project, the office shall determine the format and ratio of cost sharing (cash or labor or material).

The budget is allocated based on limited resources, for the purpose of completion of project and to own the project by beneficiaries, the participation of users is most. The result showed that in all projects the users were participating in terms of cash and kind. It helps in the sustainable development and stability of projects.

6.3 Contract Out and Mobilization:

To carry out the works through the UCs, an agreement between the concerned authority and the UCs shall be made. Before the execution of work at site, orientation training should be conducted.

6.3.1 Agreement with Users Committees

As per the response provided about knowledge about the contractual provisions and documents in Agreement with UCs, it was found that Out of 66 respondent 4 nos of respondents had complete knowledge, 19nosof respondents had somewhat knowledge and remaining 43 nos of respondent were unknown about it.

Table 7: Knowledge of respondent during agreement

Knowledge on Respondent about	Contractual Provisions and documents in Agreement
Yes/ Completely Known	4
Somewhat Known	19
No	43
Total	66

But as per the project checklist survey, It was found that the Out of 33 projects, all 33UCs conducted meeting before contract agreement with municipality on the contract agreement and all 33UCs submitted the required documents for the contract agreement.

As per PO&M (2075), Paragraph (3), Rule (7), Bylaw (2) –For the implementation of the project, an agreement shall be reached between the User’s committee and the office in the format as per schedule 2.

Based on the selected projects regarding the time of contract out of projects implementing through UCs on trimester basis, it was found that all of the projects were contracted out in 2nd trimester only.

It was found that in the agreement, only the project start and end time was stated. The work Schedule (work plan) mentioning the activities and time was not attached.

The work schedule should be prepared by the mutual coordination of UCs and concerned technicians for the control of time of the projects and also for the supervision and monitoring. The work schedule should be prepared considering resources availability, the climatic condition as well as the cultural aspects of the community.

6.3.2 Capacity Development / Orientation Training:

As per the response provided about participation in any of the capacity development / orientation & Training programme to UCs, it was found that Out of 66 respondent, 6 nos of respondents were participated in capacity development / orientation & Training programme to UCs and remaining 60 nos of respondents were not participated in none of the capacity development / orientation & Training programme to UCs.

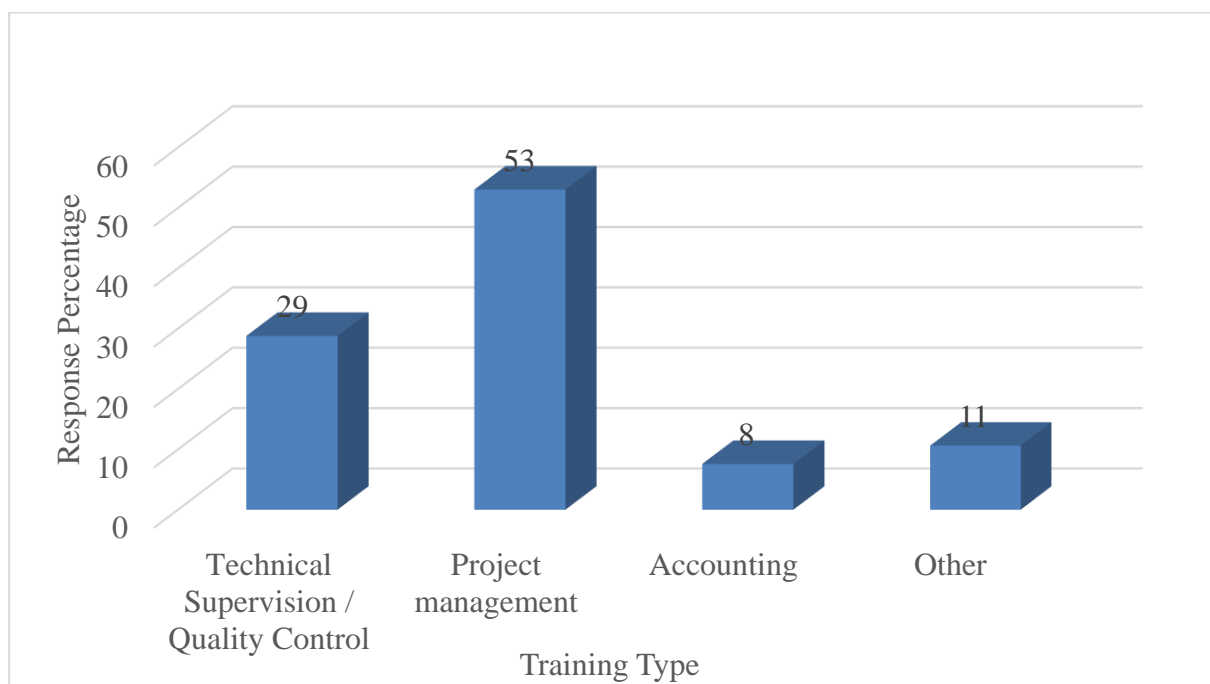


Fig. 6: Demand of Training by Respondent

Based on the responses provided by the UCs regarding the types of orientation training required to implement the project, it was found that Out of 66 respondent, 29% of respondents were demanded Technical Supervision / Quality Control Training, 53% of respondents were demanded Project management Training, 8% of respondents were demanded Accounting Training, 11% of respondents were demanded Other Training programme to UCs.

But as per the project checklist survey, It was found that the Out of 33 projects, all 33project has not any provision of capacity development / orientation & Training programme to UCs the in contract agreement.

As per As per PO&M (2075), orientation training should be provided to the UCs members immediately after the contract out and before the project implementation. The UCs must be informed about the project information board, project book keeping, methods of working, measurement process, public audit and budget release to the UCs, etc. The UCs was informed briefly about the project implementation by the Planning Section and the concerned technicians of Municipality. To strengthen the UCs management, it is necessary to arrange the orientation training to the UCs. The training enhances the managerial and technical knowledge to properly carry out the work for ensuring their participation.

6.3.3 Advance Payment

As per PPR (2064), Rules (97), Sub-rule (4)[19] - In awarding the construction work or service to the users' committee or beneficiary community, payment shall be made only after deducting value added tax, overhead contingency amount and amount of portion of public participation specified in the cost-estimate referred to in clause (b) of sub-rule (3).

Sub-rule (4) - Once the procurement contract is concluded pursuant to sub-rule (3), the public entity may give earlier advance payment not exceeding one third amount of the contract amount to such a committee or community. The public entity shall settle the advance so given before payment of the final installment.

But as per the Procedure regarding formation, operation and management of user's committee of Khairhahi Municipality – 2075, Paragraph (3), Rule (11) - Payment Procedure:

- (1) Payment of the project shall be made through bank account in the name of User's Committee. The User's Committee will only have to make a payment of more than fifty thousand to an individual or an organization by check.
- (2) Installment and final payment will be made to the User's Committee on the basis of technical evaluation of the work as per the agreement, completed work report and other necessary documents.
- (3) The work done by the User's Committee and the details of the expenses incurred shall be decided by the meeting of the Committee and submitted to the office along with the required documents for payment.

But, Based on the responses provided by the UCs regarding the requirements of the advance payment to UCs, it was found it was found that Out of 66 respondent, all of respondents were unsatisfied with non-advance payment system to UCs in contract agreement. Regarding the initial cost management of the project construction in case the municipality did not provide advanced payment, 29% of the respondents of UCs were found to be managing the initial expenses by collecting cash with UC members and 71% of the respondents of UCs were managing the initial expenses by managing the credit with suppliers.

Table 8: Initial Project expenses management Procedure by UCs

Initial Project expenses management Procedure by UCs	Percentage of Response
By collecting cash with all UG member	0
By collecting cash with UC member	29
By managing the credit with suppliers	71
Other	0
Total	100

As per the project checklist survey, It was found that the Out of 33 projects, all 33project has no any provision to provide advance payment to UCs the in contract agreement.

As per PPR (2064), Rules (97), Sub-rule (4)[19] - Once the procurement contract is concluded pursuant to sub-rule (3), the public entity may give earlier advance payment not exceeding one third amount of the contract amount to such a committee or community. The public entity shall settle the advance so given before payment of the final installment.

There is no provision of Advance payment in PO&M (2075) [10 &14]. Similarly, there was chance of miss utilization of the budget in irrelevant field. In larger projects where cash contribution is not possible there should be provision of advance with legal bonding.

6.4 General contracting and implementation process through UCs:

All 66 respondent found that there was the participation of “Engineer / technicians, contractor & UC Member” in the task of project Lay out. As per the response provided about knowledge about the Measurement, specification & Method of construction of the project, it was found that none of respondents had complete knowledge about it, 26 nos of respondents had partial knowledge and 40 % of respondents had no any knowledge about it.

Table 9: Knowledge on Measurement, specification & Method of construction of the project to UCs

Knowledge about Measurement, specification & Method of construction of the project	Numbers of Respondent
Yes/ Completely Known	0
Somewhat Known	26
No	40
Total	66

Regarding the advice to be taken for the solution of problems related to project construction, it was found that 94% response was consulted with Municipal engineer / technicians and 6% response was consulted with Engineer / technicians appointed by Donor agency.

Based on the responses provided by the UCs regarding the question, whether the project construction work could be carried out easily from the advice and guideline received from the concerned agencies, 6% of respondents had implemented their project easily, 73% of respondents had feel somewhat easy and remaining 21% couldn't implement their project only from the advice and guideline received from the concerned agencies.

Based on the responses provided by the UCs regarding the additional guideline & advise in order to make the project construction easier, 12% respondents need additional technical knowledge, 53% respondents need additional managerial knowledge, 29% respondents need additional technical & managerial knowledge and 6% respondents need additional knowledge.

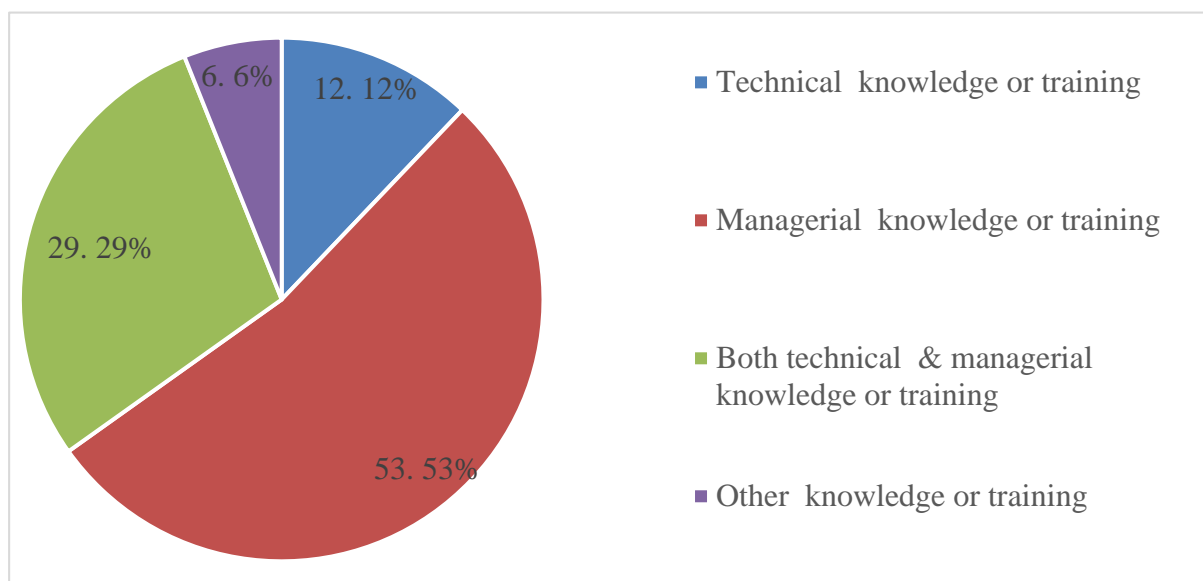


Fig. 7: Need of Additional knowledge or training

As per PO&M (2075), Paragraph (3), Rule (7.2) [10 &14], for the implementation of the project, an agreement shall be reached between the User's committee and the office in the format as per schedule 2. The projects selected through participatory planning and after the allocation of budgets, the Municipalities finalizes implementation modality. Then, the Municipal starts the process for contracting out the projects implementing through UCs. Participatory design is conducted jointly with UCs and ward members/representatives. The resulting design should confirm to the needs of beneficiaries. Works carried out by the UCs requires contribution from the beneficiaries. The Municipality would be responsible for monitoring and supervision the implementation of the UCs contract projects. After the verification of the work completion, the Municipality releases the final payment and clears the project. The project identification and selection to the project implementation and close out process in Municipality based on the existing process are shown in the flow chart as in Figure 8.

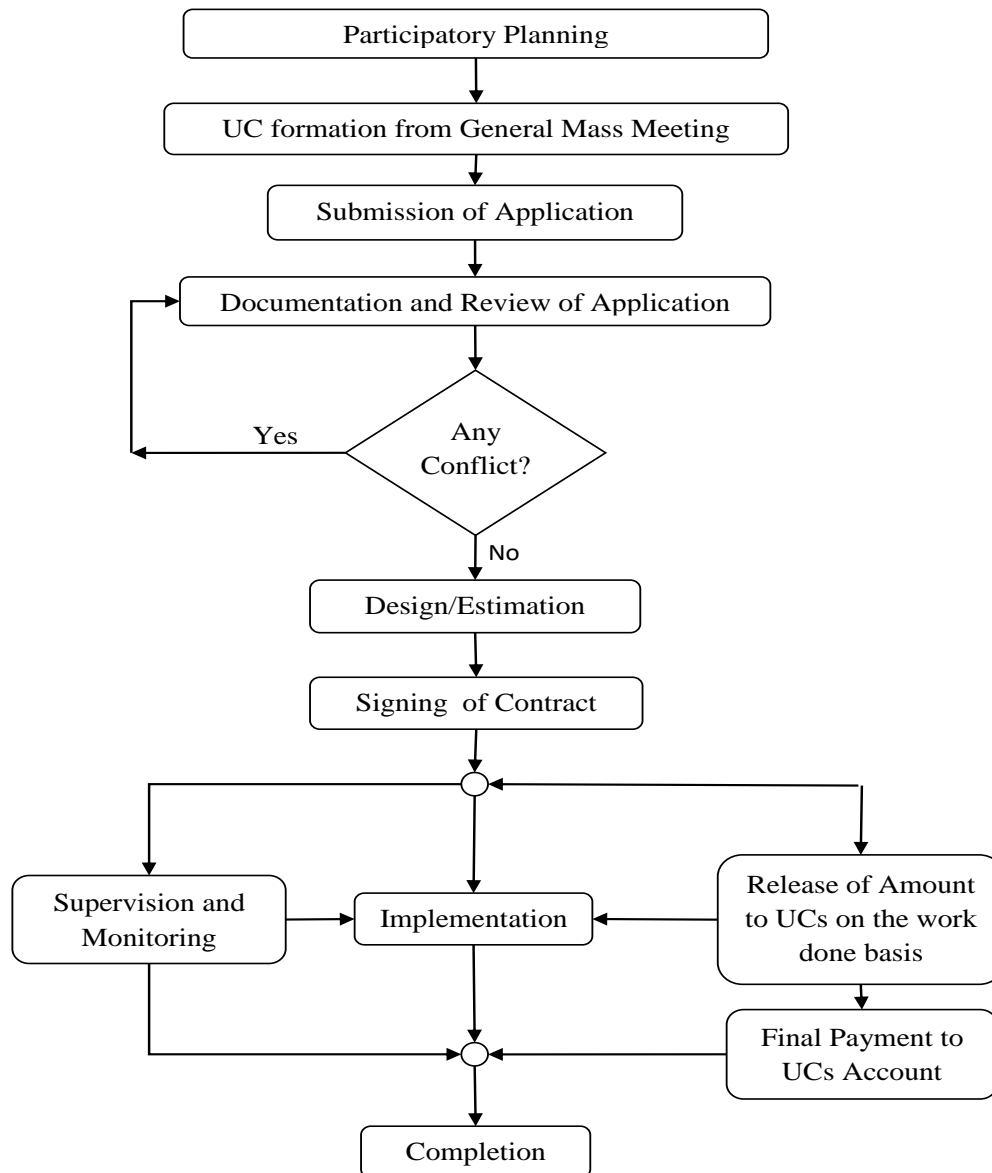


Fig. 8: Flow chart of the general process for UCs contracting

6.5 Analysis of Construction Approach Used

To analyze the choice of Construction approach used in municipality, Comparison of response in favor/against of UC and contract approach on basis of construction was tabulated in Table 10 via different questionnaire. The questionnaire was prepared based on previous study and experience of researcher.

Table 10: Comparison of response of Construction Approach

Questionnaire	Percentage choice of Users Committee Approach	Percentage choice of Contractor Approach
Preferred approach	48.48	51.52
Average working hour/day	42.42	57.58

Locally available unskilled manpower are comparatively sufficient for	84.85	15.15
Local skilled manpower are comparatively not sufficient for	42.42	57.58
Workers' efficiency	51.52	48.48
Wages balance	36.36	63.64
Timely payment of wages	75.76	24.24
Efficiency is more in resource management (men, money and materials)	18.18	81.82
Local material get more used in	90.91	9.09
Spoil management is more efficient in	63.64	36.36
Cost variation	24.24	75.76
Time fluctuation	24.24	75.76
Easier approach	66.67	33.33
Proper documentation	6.06	93.94
Operation and maintenance is more assured	15.15	84.85
Punishment and reward management assured	6.06	93.94
Reliable approach is	51.52	48.48
Total no of Preference	7	10

The Table shows that 10 out of 17 statement says that the contractor choice is reliable although both of the approach has some merit and demerit on particular issues (variables) taken under consideration. In the case of some statements UC approach is more favored and in majority of cases contract approach is liked. So, the results indicated that contract approach was found more preferable. Similar results were found on the basis on SWOT Analysis also [27].

6. CONCLUSION :

The formation of user committee was among the beneficiaries via mass meeting. The contractual process was done as per the guideline of Municipality. All the documents were prepared from mass meeting level to ward office for effective contractual process.

Whatever the cause may be, construction through UC approach need to be continued because of following reasons as concluded by this study:

- (1) Government liability is less in the case of UC approach than for contract approach due to public contribution part (mostly 10-20 %) suitable for small and simple works, easier approach for work award.
- (2) Ownership development, capacity building, consensus building transparency in work, inclusive work, technology transfer, spoil management, conflict management, use of local resource, commodities and technology, local job creation, familiarity with society, culture and geography are more possible in UC approach.
- (3) Environment degradation and pollution is less in UC approach. Loss due to induced disaster is slightly less in UC approach than contract approach. Less time for procurement process, suitable for emergency, simple and small scale work packages.

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