

Tenders

12/10/22

PA To PCCF (HOFF)
Government of West Bengal
Finance Department
Audit Branch, Group T,
(File No. 293799)

PA To PCCF (HOFF)
Reg. No. 362 Dt. 29/9/22

No 2320- F(Y)

Dated, 7th June, 2022

MEMORANDUM

Sub: Acceptance of tender

Laying down the comprehensive procedure and guidelines for accepting the bids under different situations covering all the aspects of tender outcomes has been under active consideration of the Government for some time past.

1. In supersession of all the orders published earlier in this regard, the Governor is pleased to prescribe the following norms for acceptance of tender:

Situation I: Where number of qualified bidders is three and above.

a. In case of Works Department

Sl. No.	Financial Power for tender acceptance	Accepting Authority	Remarks
i.	Up to Rs 5.00 Lakh including 5% excess of amount put to tender	Assistant Engineer / or equivalent	
ii.	Up to Rs. 1.00 Crore including 5% excess of amount put to tender	Executive Engineer / or equivalent	
iii.	Up to Rs 2.50 Crore including 5% excess of amount put to tender	Superintending Engineer / or equivalent	
iv.	Up to Rs. 5.00 Crore including 5% excess of amount put to tender.	Chief Engineer / or equivalent	
v.	Full power up to 5% above the amount put to tender.	Chief Engineer(C.E) with recommendation of tender committee at C.E.level.	Before accepting the tender, the Chief Engineer & Tender Committee should verify all norms and procedure as per extant rules.
vi	Tendered value beyond 5% and up to 10% above the amount put to tender.	Head of the Department, executing the work, with recommendation of Departmental Tender Committee of the executing Department.	This is to be done under the exceptional circumstances where the executing Department is of the opinion that there is little or no scope of getting lower bids in further calls or when there is no time for further call even with shorter notice period. Before accepting the tender, The Head of the executing Department, Financial Advisor & Departmental Tender Committee should verify all

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b. In case of Non-Works Department

- i. **Tender Inviting Authority (TIA)** – Up to 5% excess of the amount put to tender subject to the overall power of tender acceptance delegated by the Administrative Department.
- ii. **Head of the Administrative Department**- Full power, provided it is not more than 10% above the Amount 'put to tender'. Before accepting the tender, the Head of the Department, Financial Advisor & Departmental Tender Committee should verify all norms and procedure as per extant rules. However, tendered value, beyond 5% of amount put to tender, is to be accepted only under exceptional circumstances where the Department is of the opinion that there is little or no scope of getting lower bids in further calls or when there is no time for further call even with shorter notice period.

Situation II: Where the number of qualified bidders is less than three

a. In case of 1st call

The tender is to be invited afresh. However, before inviting 2nd or subsequent calls the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting Tender' are required to be reviewed by the 'Tender Inviting Authority' to ascertain whether:

- It was too much restrictive, say, specifications and qualifications were fixed at higher standard than required,
- Advertisement in the widely circulated newspapers were properly published and
- Other related procedural matters were observed in its entirety.

b. In case of 2nd and subsequent calls where the number of technically qualified bid is still less than three

Sl. No.	Financial Power for tender acceptance	Accepting Authority	Remarks
i.	Tendered value up to Rs. 5 lakh and within the estimated amount put to tender.	Tender Inviting Authority	
ii.	Tendered Value up to Rs. 10 Crore provided it is within 5% above the amount put to tender.	Head of the following Administrative Departments: 1. PW Department. 2. I&W Department. 3. WRID Department. 4. PHE Department. 5. Housing Department. 6. UDMA Department. 7. P&RD Department. 8. H&FW Department.	The department should verify all details as per checklist annexed (Annexure-I) and decide whether to accept tender or invite retender.
iii.	Tendered Value up to Rs. 5 Crore provided it is within 5% above the amount put to tender.	Head of all other Administrative Departments	The department should verify all details as per checklist annexed (Annexure-I) and decide whether to accept tender or



Situation III: In case of tie bid

In addition to what has been stated in Situation I and II above, the following procedure should be adopted when there is a tie among the L1 Bidders:

Keeping the discovered L1 rate as ceiling, sealed bids may be invited from all the L1 bidders and out of those the lowest one may be selected.

If none of the L1 bidders is ready to offer further reduced rates:

A. For items divisible in nature -

- i. The work may be distributed equally among the consenting L1 bidders.
- ii. If none of the L1 bidders is ready to accept reduced quantity, the bidder with higher credential based on the following parameters, may be selected among L1 bidders in the following manner:
 - a. In case of supply of goods, last three years average turnover of the bidder shall be considered.
 - b. In case of execution of work / supply of service, value of single work/ service of similar nature completed during last 3 years shall be considered.
 - c. In case of supply of man power, number of personnel supplied in a single contract during the last 3 years shall be considered.

B. For items not divisible in nature-

- i. If none of the L1 bidder is ready to offer further reduction of rates, the bidder with higher credential based on parameters, as mentioned in A(ii) above may be selected among L1 bidders.

2. However, prior to such acceptance of tenders, the Accepting Authority shall examine:

- a. Whether sufficient publicity was given to the Tender in adequate number of newspapers having appropriate territorial coverage and readership, Departmental Website (if any) and e-Tender Portal;
- b. Whether EMD was received online through the e-Tender Portal;
- c. Whether the minimum mandatory period for submission of bids as per Financial Rules was available to bidders from the date of publication in newspapers, Departmental Website (if any) and e-Tender Portal;
- d. Whether the Tender Inviting Authority (TIA) has provided sufficient justifications for acceptance of the selected bid and certified that the quoted rate is reasonable;
- e. Whether the Technical Criteria were reviewed and if necessary, revised by the TIA before 2nd or subsequent calls of the Tender;
- f. Whether the Eligibility Criteria like Minimum Average Annual Turnover, Net Worth, Credentials, etc. restricted fair competition among the prospective bidders;
- g. Whether in case of Non-Schedule Item (s) market rates have been suitably assessed by the TIA

- h. Whether the Departmental Tender Committee has examined the Tender and found the quoted rate reasonable and recommended for acceptance where necessary;
- i. Whether the Financial Advisor has recommended acceptance of bid or advised for re-tender;
- j. Any other aspects and factors as required and deemed fit.

3. General Instructions:

- a. The tender process is to be initiated well in advance keeping in mind that there may be a situation for extension of last date and / or re-tender.
- b. The last date of submission may be extended (for both e-tender or off line tender process) if the notice of extension is issued before the technical bids are opened and within the scheduled date & time of opening the same. Such extension is to be made at least for 5 days which would be counted from the date of publication of the corrigendum notice for such extension in at least one widely circulated newspaper.
- c. Extension of dates cannot be treated as subsequent call.
- d. Sometimes it is seen that tenders are being rejected in pre-qualification stage due to minor clerical / rectifiable deficiencies in the uploaded documents of the bidders. In such cases -
 - i. The Tender Inviting Authority may give an opportunity to the bidders whose technical bids are found defective **due to minor clerical mistakes / rectifiable deficiencies** to explain their position within seven working days through e-mail.
 - ii. And after receiving the clarification on deficiency, the TIA may take appropriate decision on the admission of the bid considering the merit of the case.
4. For acceptance of tender beyond the limits as stated herein above the proposal shall have to be referred to the Finance Department with rate analysis by TIA, comments of DTC and with specific recommendation of FA & Head of the Administrative Department in the Annexure-I as enclosed.
5. If any revised administrative approval is necessary due to acceptance of tender beyond the estimated amount, the Administrative Department will accord necessary approval with the concurrence of Financial Advisor subject to availability of budget provision.
6. This order is also applicable to all Local Bodies, Development Authorities, Statutory Organization, Corporations and Parastatals etc. under the administrative control of any department of Government of West Bengal.
7. This order comes into operation with immediate effect.



(Manoj Pant)

Principal Secretary to the
Government of West Bengal