

**ORDERS/ NOTIFICATIONS/ CIRCULARS REFRADING KARNATAKA
TRANSPARENCY IN PUBLIC PROCUREMENTS ACT 1999 AND RULES 2000
AND PROCUREMENT REFORMS**

Sl. No.	Order/Notification/Circular No. and date	Subject
1.	Notification No.PWD/154/FC-III/2000 (P3) dt. 24.10.2000	K.T.P.P. Rules, 2000 (Kannada version)
2.	Notification No.PWD/154/FC-III/2000 (P3) dt. 24.10.2000	K.T.P.P. Rules, 2000 (English version)
3.	Notification No. Samvyashae 20 Shasana 2000 dt: 13.12.2000	K.T.P.P. Rules, 2000 (Kannada version)
4.	Notification No.PWD/154/FC-III/2000 (Part-I) dt. 17.1.2001	Corrigendum of Rule 17(b) of K.T.P.P. Rules
5.	Notification No. Samvyashae 29/ Shasana 1999 dt. 16.02.2001.	K.T.P.P. Act, 1999 (English version)
6.	Notification No. PWD 22 FC 3/2001 dt: 1.3.2001	KTPP (Amendment) Rules 2001- Amendment of Rule 27.
7.	Circular No. PWD 33 FC-III 2001 dt. 21.3.2001	Clarifications regarding various provisions of K.T.P.P. Act 1999 and K.T.P.P. Rules 2000.
8.	Notification No. PWD 154 FC3 2001 (Part-I) dt: 2.4.2001	KTPP (Amendment) Rules 2001- Amendment of Rule 26 and 29
9.	Notification No. Samvyashae 33 Shasana 2001 dt. 25.8.2001.	K.T.P.P. (Amendment) Act 2001- Amendment of Section 4(e). (Kannada)
10.	Notification No. Samvyashe 33 Shasana 2001 dt: 6.9.2001	K.T.P.P. (Third Amendment) Rules, 2001 – Amendment of Rule 25.
11.	Notification No. Samvyashe 33 Shasana 2001 dt: 6.9.2001.	K.T.P.P (Amendment) Act 2001 – Amendment of Section 4(e) (English)
12.	Circular No. PWD 513 FC-III/ 2001 dt: 29.10.2001	Clarification regarding K.T.P.P. (Amendment) Act 2001
13.	Notification No. PWD 513 FC-III/ 2001 dt: 19.11.2001	Clarification regarding K.T.P.P. (Amendment) Act 2001
14.	Circular No. PWD 33 FC-III/2001 dt: 10.12.2001	Clarification regarding Publication of Tender bulletin.
15.	Circular No.PWD 1359 SO/FC/2001 dt: 15.12.2001	Creation of a Procurement Cell in the Finance Department
16.	Circular No. PWD 389 FC-III/2001 (Part) dt: 30.1.2002	Clarification regarding provision of price preference to SSI units in the K.T.P.P. Rules 2000.

Sl. No.	Order/Notification/Circular No. and date	Subject
17.	Circular No. PWD 84 FC-III/2001 dt. 25.2.2002.	Regarding publication of tender bulletins through the Web Site.
18.	G.O.No. PWD 1359 SO/FC 2001 dt: 5.8.2002	Constitution of Standing Committee for implementation of Procurement Reforms Action Plan
19.	G.O. No. PWD 1359 SO/FC 2001 dt: 14.8.2002	Constitution of Working Group for implementation of procurement Reforms Action Plan.
20.	Circular No. PWD 1359 SO/FC 2001 (P-2) dt: 25.10.2002	Guidelines regarding awarding of contract to the lowest evaluated technically and commercially responsive tenderer who meets the prescribed qualification criteria including tender capacity and past performance.
21.	Circular No. PWD 1359 SO/FC 2001 (P-2) dt: 25.10.2002	Procurement planning, packaging and scheduling and making available funds to match with the requirement as per approved procurement plan.
22.	Circular No. PWD 1359 SO/FC 2001 (P-2) dt. 3.12.2002	Guidelines for conducting negotiations before the award of contract.
23.	Circular No. PWD 1359 SO/FC 2001 (P-2) dt: 3.12.2002	Verification of qualification criteria and available tender capacity before the award of contracts.
24.	Notification No.PWD/33/FC-3 2003 dt: 5.3.2002	KTPP (Amendment) Rules 2003 Two Stage Tender System.
25.	Notification No. Samvyashae 05 Shasana 2003 dt: 27.3.2003	KTPP (Amendment) Act 2003 Amendment to Section 4(d).
26.	Circular No. PWD 122 SO/FC 2003 dt: 8.5.2003	Constitution of a Sub-committee to look into certain issues of Procurement Reforms Action Plan
27.	Ltr. No. PWD 409/FC-3/2003 dt: 19.5.2003	Eliciting comments for review of KTPP Act 1999 and Rules 2000–reg.
27A	G.O.No. DPAR 26 EGV 2003 dt: 03.06.2003	Constitution of a Steering Committee for setting up e-Procurement Platform.
28.	Circular No. PWD 1359 SO/FC 2001 (P-2) dt: 3.12.2002	Two-cover tender System – safeguards to be adopted.
29.	Circular No. 39 SaSiVi 2002 dt: 16.7.2003	Creation of Procurement Cell in Finance Department.

Sl. No.	Order/Notification/Circular No. and date	Subject
30.	Corrigendum No. DPAR 26 EGV 2003 dt: 26.7.2003	Steering Committee to finalise details of e-procurement Platform
31.	Circular No. PWD 141 SO/FC 2003 dt: 29.8.2003	Draft Standard Documents relating to procurement of Goods/Services
32.	Circular PWD 140 SO/FC 2003 dt: 1.9.2003	Procedure for sale of tender documents.
33.	Notification No.PWD 121 SO/FC 2003 dt: 26.9.2003	KTPP (Amendment) Rules 2003 Consultancy services.
34.	Addendum No. DPAR 26 EGV 2003 dt: 27.10.2003	Co-opting of members on Steering Committee for e-procurement platform.
35.	Circular No. FD 737 FC-III/2003 dt: 27.11.2003	Avoidance of nomination of Officers of The Finance Dept. to Committees for procurement of goods And services – Instructions regarding.
36.	Circular No. PWD 145 SO/FC/2003 dt: 22.12.2003	Procurement Reforms – Constitution of Standing Committee for implementation Co-opting of members.
37.	Circular No. PWD 321 FC-3/2003 dt: 27.12.2003	Regarding making of pre-audit arrangement – Departments in relation to procurement of goods and services.
38.	Circular No. FD 9 Pro. Cell/2004 dt: 25.2.2004	Procurement Reforms – Standard Tender and Contract Documents – Preparation and Publication of – reg.,
39.	G.O.No. DPAR 26 EGV 2003 dt: 15.5.2004	Government Orders regarding the setting up of e-Procurement Platform.
40.	Circular No.FD 50 Pro. Cell/04 dt: 30.6.2004	KTPP Act, 1999-Disallowing of request for exemption under the Act.
41.	G.O.No. FD 59 Pro. Cell 2004 Dt: 23.12.2004	Re-constitution of Committee for revision of P.W.D. Codes
42.	G.O.No. PWD 22 RDF 2004, Dt: 23.12.2004	Re-constitution of Committee for revision of P.W.D. Codes
43.	G.O.No. PWD 146 SO/FC 2003, Dt: 27.12.2004	Revision of Karnataka Financial Code and Manual of Contingent Expenditure Reg.
44.	G.O.No. FD 56 Pro. Cell 2004, Dt: 18.1.2005	Procurement Reforms – Measurement of Works and Supplies – Use of Measurement Books.
45.	Circular No. FD 57 Pro. Cell 2004, Dt: 20.1.2005	Procurement Reforms types of Contracts and Guidelines for their choice.
46.	G.O.No. FD 55 Pro. Cell 2004, Dt: 17.2.2005	Third Party Inspection of Works, Goods And Equipment.

FORE WORD

The Karnataka Transparency in Public Procurements Act, 1999 has come into effect from 4th October, 2000. This Act is intended to streamline procedures in Public Procurement and also ensure accountability in public procurement. The State Government, while making it mandatory for all the procurement agencies under the government to follow the tendering process in public procurement, has also initiated a series of procurement reforms.

A Standing Committee has been constituted to look into various aspects of the implementation of the Transparency Act. This Committee is overseeing procurement reforms in the State and also suggesting measures to further strengthen the existing provisions/modifications required to ensure proper compliance of the procurement law. The Standing Committee has made a number of suggestions and the State Govt. issued instructions through Circulars to ensure that the transparent and efficient methods of procurement are effectively practised. This compendium contains the Karnataka Transparency in Public Procurements Act, 1999, amendments issued upto 2004, Karnataka Transparency in Public Procurements Rules, 2000 and Circular Instructions issued upto December, 2004 and is being brought out With a view to enabling the Departments to have easy access to the provisions of the Karnataka Transparency in Public Procurements. Act, Rules there under and the Circular Instructions issued from time to time at one place.

Sd/-

(Sudhakar Rao)

Principal Secretary to the Government,
Finance Department.

Bangalore
Date: 22.12.2004

ಸಂ.ಲೋಇ:154:ಅಕೋ-III 2000 (ಭಾಗ-3) ದಿನಾಂಕ: 24ನೇ ಅಕ್ಟೋಬರ್ 2000

ಅಧಿಸೂಚನೆ

ಅಧ್ಯಾಯ-1

ಪ್ರಾರಂಭಿಕ

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧ್ಯಾದೇಶ 2000 ದ 23ನೇ ಪ್ರಕರಣದ (1) ನೇ ಉಪ ಪ್ರಕರಣದಿಂದ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರಗಳನ್ನು ಚಲಾಯಿಸಿ, ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಈ ಮೂಲಕ, ಮುಂದಿನ ನಿಯಮಗಳನ್ನು ರಚಿಸುತ್ತದೆ. ಎಂದರೆ:

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ:- (ಎ) ಈ ನಿಯಮಗಳನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ನಿಯಮಗಳು 2000 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(ಬಿ) ಇವು ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಣೆಗೊಂಡ ದಿನಾಂಕದಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

2. ಪರಿಭಾಷೆಗಳು: ಈ ನಿಯಮಗಳಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು.

(ಎ) “ಮುಂಗಡ ಹಣ ಠೇವಣಿ” ಎಂದರೆ, ಟೆಂಡರ್‌ದಾರನೊಬ್ಬನು” ಕರಾರನ್ನು ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಬಗ್ಗೆ ತನ್ನ ಒಪ್ಪಿಗೆಯನ್ನು ಸೂಚಿಸಿ ತನ್ನ ಟೆಂಡರಿನೊಂದಿಗೆ ಠೇವಣಿ ಇಡಬೇಕೆಂದು ಅಗತ್ಯಪಡಿಸಲಾದ ಮೊಬಲಗು:

(ಬಿ) “ ಪೂರ್ವಾರ್ಹತೆ” ಎಂದರೆ, ಟೆಂಡರುದಾರರಿಗೆ ತಮ್ಮ ಟೆಂಡರ್‌ಗಳನ್ನು ಒಪ್ಪಿಸಲು ಅನುಮತಿಸುವ ಮೊದಲು ಕರಾರನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸಲು ಅವರಿಗೆ ಇರುವ ಸಾಮರ್ಥ್ಯ ಮತ್ತು ಅವರ ಸಂಪನ್ಮೂಲಗಳ ಬಗ್ಗೆ ಮೊದಲು ಪರಿಶೀಲಿಸುವ ವಿಧಾನ;

(ಸಿ) “ಎರಡು ಲಕೋಟಿ ಪದ್ಧತಿ” ಎಂದರೆ, ಏಕಕಾಲದಲ್ಲಿ ಪ್ರತ್ಯೇಕವಾಗಿ ಟೆಂಡರುದಾರರು ಮೊಹರು ಮಾಡಿದ ಎರಡು ಲಕೋಟಿಗಳನ್ನು ಸಲ್ಲಿಸಬೇಕೆಂದು ಅಗತ್ಯಪಡಿಸುವ ವಿಧಾನವಾಗಿದ್ದು ಇದರಲ್ಲಿ ಒಂದು ಲಕೋಟಿಯು, ಮುಂಗಡ ಹಣ ಠೇವಣಿ ಮತ್ತು ಟೆಂಡರನ್ನು ಕೈಗೊಳ್ಳಲು ತಮಗಿರುವ ಸಾಮರ್ಥ್ಯದ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ. ಇದನ್ನು ಮೊದಲು ತೆರೆಯಲಾಗುವುದು ಮತ್ತು ಎರಡನೆಯ ಲಕೋಟಿಯು ದರ ಕೊಟೇಷನನ್ನು ಒಳಗೊಂಡಿದ್ದು ಅದನ್ನು ಟೆಂಡರುದಾರನು ಆ ಟೆಂಡರ್‌ನೂ ನಿರ್ವಹಿಸಲು ಅರ್ಹನಾಗಿದ್ದನೆಂದು ಕಂಡು ಬಂದರೆ ಮಾತ್ರ ತೆರೆಯಲಾಗುವುದು.

ಅಧ್ಯಾಯ - II

ಸಾಮಾನ್ಯ

3. ಸಂಗ್ರಹಣೆಯ ಪ್ರವರ್ಗಗಳು:- ಈ ನಿಯಮಗಳನ್ನು ಅನ್ವಯಿಸುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಸಂಗ್ರಹಣೆಯನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ಪ್ರವರ್ಗೀಕರಿಸಲಾಗಿದೆ, ಎಂದರೆ:-

(i) ನಿರ್ಮಾಣ; ಮತ್ತು

(ii) ಸರಕುಗಳ ಸರಬರಾಜು ಮತ್ತು ಸೇವೆಗಳು.

ಅಧ್ಯಾಯ - III

ಪ್ರಚಾರ

4. ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನ ಪ್ರಕಟಣೆ:- (1) ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನನ್ನು ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯು ಪ್ರತಿವಾರದಲ್ಲಿ ಕೊನೆಯ ಪಕ್ಷ ಒಂದು ಬಾರಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

(2) ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನನ್ನು ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯು ಪ್ರತಿವಾರದಲ್ಲಿ ಕೊನೆಯ ಪಕ್ಷ ಒಂದು ಬಾರಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

(3) ಟೆಂಡರ್ ಬುಲೆಟೆನ್ ಅಧಿಕಾರಿಯು ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ಎಲ್ಲ ನೋಟೀಸುಗಳನ್ನು ಮತ್ತು ಬುಲೆಟೆನನ್ನು ವಾಸ್ತವವಾಗಿ ಪ್ರಕಟಿಸುವುದಕ್ಕೆ ನಲವತ್ತೆಂಟು ಗಂಟೆಗಳ ಮುಂಚಿನವರೆಗೆ ಸ್ವೀಕರಿಸಿದ ಟೆಂಡರುಗಳ ಅಂಗೀಕಾರದ ತಿಳುವಳಿಕೆಗಳನ್ನು ಪ್ರಕಟಿಸುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(4) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಅಥವಾ ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸಿದುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಮಾಹಿತಿಯನ್ನು ತುರ್ತಾಗಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಅವಶ್ಯಕತೆಯಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಸಂದರ್ಭದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಆಡಳಿತ ಇಲಾಖೆಯ ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು ಅಥವಾ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಸಂದರ್ಭದಲ್ಲಿ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಲಿಖಿತದಲ್ಲಿ ಕಾರಣಗಳನ್ನು ದಾಖಲಾಡಿ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯನ್ನು ಪ್ರಕಟಿಸಲು ಆಯಾ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಅಧಿಕಾರಿಗಳಿಗೆ ನಿರ್ದೇಶನ ನೀಡಬಹುದು.

5. ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ವಿತರಣೆ:- (1) ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಅಧಿಕಾರಿಯು ಸರ್ಕಾರಿ ಇಲಾಖೆ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ, ಶಾಸನಾತ್ಮಕ ಮಂಡಳಿ, ಸಾರ್ವಜನಿಕ ವಲಯದ ಉದ್ಯಮ, ವಿಶ್ವವಿದ್ಯಾನಿಲಯ ಅಥವಾ ಸಹಕಾರ ಸಂಸ್ಥೆಯ ಸಂಬಂಧಪಟ್ಟ ಕಛೇರಿಯಲ್ಲಿ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನನ್ನು ಲಭ್ಯವಾಗುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(2) ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಅಧಿಕಾರಿಯು ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನ ಸಾಕಷ್ಟು ಪ್ರತಿಗಳು, ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಮತ್ತು ಟೆಂಡರ್ ಅಂಗೀಕಾರದ ತಿಳುವಳಿಕೆಯನ್ನು ಪ್ರಕಟಿಸುವ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(3) ನಿಗದಿಪಡಿಸಿದ ವಾರ್ಷಿಕ, ಅರ್ಧವಾರ್ಷಿಕ ಅಥವಾ ತ್ರೈಮಾಸಿಕ ಶುಲ್ಕವನ್ನು ಪಾವತಿ ಮಾಡಿ ಯಾರೇ ವ್ಯಕ್ತಿ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸಂಸ್ಥೆಯು ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿಗೆ ನಿಯತ ಚಂದಾದಾರರಾಗಿ ಸೇರಿಕೊಳ್ಳಬಹುದು.

6. ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಮಾಹಿತಿ ಮಾತ್ರ ಒಳಗೊಂಡಿರುವುದು:- (1) ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನ ಮಾಹಿತಿ ಮಾತ್ರ ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

(2) ಟೆಂಡರ್‌ನ್ನು ಅಂಗೀಕರಿಸಿದ ಬಗೆಗಿನ ತಿಳುವಳಿಕೆಯು ತನ್ನಷ್ಟಕ್ಕೆ ಕಾನೂನು ಸಮ್ಮತ ಹಕ್ಕನ್ನು ಸೃಜಿಸತಕ್ಕದ್ದಲ್ಲ.

(3) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ವಾರ್ತಾಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟಣೆ ಮಾಡಿಲ್ಲ ಎಂಬ ಒಂದೇ ಕಾರಣದಿಂದ ಆ ನೋಟೀಸು ಅಸಿಂಧುವಾಗುವುದಿಲ್ಲ.

7. ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಮಾಹಿತಿ:- ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸು ಮತ್ತು ಟೆಂಡರುಗಳ ಮೇಲಿನ ತೀರ್ಮಾನಗಳನ್ನು,-

(ಎ) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಸರ್ಕಾರಿ ಇಲಾಖೆಯ ಮುಖ್ಯಸ್ಥ ಅಥವಾ ಸಾರ್ವಜನಿಕ ವಲಯ ಉದ್ಯಮ ಶಾಸನಬದ್ಧ ಮಂಡಳಿ, ಅಪೆಕ್ಸ್ ಸಹಕಾರ ಸಂಸ್ಥೆ, ವಿಶ್ವವಿದ್ಯಾಲಯ ಅಥವಾ ಸರ್ಕಾರವು ರಚಿಸಿದ ರಾಜ್ಯ ಮಟ್ಟದ ಸಂಘದ ಮುಖ್ಯ ನಿರ್ವಾಹಕರು ಆಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ.

(ಬಿ) ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವು ಒಂದು ಕೋಟಿ ರೂಪಾಯಿಗಳು ಅಥವಾ ಅದಕ್ಕೆ ಹೆಚ್ಚಾಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ

ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

8. ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಮಾಹಿತಿ:- 10ನೇ ನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಒಳಪಟ್ಟು, ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸು ಮತ್ತು ಟೆಂಡರುಗಳ ಮೇಲಿನ ತೀರ್ಮಾನಗಳನ್ನು ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರದ ಕೇಂದ್ರ ಸ್ಥಾನವು ಇರುವ ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾ ಟೆಂಡರು ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

ಪರಂತು, ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವು ಒಂದು ಕೋಟಿ ರೂಪಾಯಿಗಳು ಅಥವಾ ಅದಕ್ಕೂ ಹೆಚ್ಚಿದ್ದಾಗ ಅದನ್ನು ರಾಜ್ಯ ಬುಲೆಟೆನ್ನಿನಲ್ಲಿ ಸಹ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

9. ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನಲ್ಲಿ ತಿಳಿಸಬೇಕಾದ ವಿವರಗಳು:- ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನಲ್ಲಿ ಈ ಮುಂದಿನ ವಿವರಗಳು ಇರತಕ್ಕದ್ದು. ಎಂದರೆ:-

(ಎ) ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ ಹಾಗೂ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯ ಪದನಾಮ ಮತ್ತು ವಿಳಾಸ:

- (ಬಿ) ಯಾವ ಸ್ತ್ರೀ, ಪ್ರಾಜೆಕ್ಟ್ ಅಥವಾ ಕಾರ್ಯಕ್ರಮಕ್ಕಾಗಿ ಸಂಗ್ರಹಣೆಯನ್ನು ಮಾಡಬೇಕಾಗಿದೆಯೋ ಅದರ ಹೆಸರು;
- (ಸಿ) ಯಾವ ದಿನಾಂಕದವರೆಗೆ ಮತ್ತು ಯಾವ ಸ್ಥಳದಿಂದ ಟೆಂಡರು ದಾಸ್ತಾವೇಜುಗಳನ್ನು ಪಡೆಯಬಹುದು;
- (ಡಿ) ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಮುಂಗಡ ಹಣ ರೇವಣಿಯ ಮೊಬಲಗು;
- (ಇ) ಟೆಂಡರುಗಳ ಸ್ವೀಕೃತಿಗೆ ಕೊನೆಯ ದಿನಾಂಕ ಮತ್ತು ಸಮಯ;
- (ಎಫ್) ಸ್ವೀಕರಿಸಲಾದ ಟೆಂಡರುಗಳನ್ನು ತೆರೆಯುವ ದಿನಾಂಕ, ಸಮಯ ಮತ್ತು ಸ್ಥಳ; ಮತ್ತು
- (ಜಿ) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಸುಸಂಬಂಧವೆಂದು ಪರಿಗಣಿಸುವಂಥ ಇತರ ಯಾವುದೇ ಮಾಹಿತಿ.

10. ವಾರ್ತಾ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನ ಪ್ರಕಟಣೆ: (1) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು, ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯ ರೂ ಹತ್ತು ಕೋಟಿ ರೂಪಾಯಿಗಳಿಗೆ ಮೀರಿದ ಎಲ್ಲ ಸಂದರ್ಭಗಳಲ್ಲಿ ಇಂಡಿಯನ್ ಟ್ರೇಡ್ ಜರ್ನಲ್‌ನಲ್ಲಿ ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

(2) ಟೆಂಡರುಗಳನ್ನು ಅಹಾವಾನಿಸುವ ನೋಟೀಸುಗಳನ್ನು ಯಾವ ವಾರ್ತಾಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದೋ ಆ ವಾರ್ತಾ ಪತ್ರಿಕೆಗಳ ಸಂಖ್ಯೆ, ಸಂಚಿಕೆಗಳು ಮತ್ತು ಭಾಷೆ ಇವು ಇಲಾಖಾ ನಿಯಮಗಳ ಪ್ರಕಾರ ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವನ್ನು ಆಧರಿಸಿರುತ್ತವೆ.

(3) ಟೆಂಡರ್ ನೋಟೀಸುಗಳ ಪ್ರಕಟಣೆಯನ್ನು ಜಿಲ್ಲೆಯ ವ್ಯಾಪ್ತಿಯೊಳಗೆ ಪ್ರಚಾರದಲ್ಲಿರುವ ವಾರ್ತಾ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಮಾತ್ರ ಮಾಡಬೇಕಾಗಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಜಿಲ್ಲಾ ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ ಅಧಿಕಾರಿಯು ಜಾಹೀರಾತನ್ನು ನೀಡಲು ಸಕ್ಷಮ ಅಧಿಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಇತರ ಎಲ್ಲ ಸಂದರ್ಭಗಳಲ್ಲಿ ಜಾಹೀರಾತು ನೀಡಲು ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ ಇಲಾಖೆಯ ನಿರ್ದೇಶಕರು, ಬೆಂಗಳೂರು ಇವರು ಸಕ್ಷಮ ಅಧಿಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

(4) ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ವಾರ್ತಾ ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಮತ್ತು ಜಿಲ್ಲಾ ಕಚೇರಿಗಳಲ್ಲಿ ಸೂಚನಾ ಫಲಕಗಳ ಮೇಲೆ ಅಂಟಿಸುವ ಮೂಲಕ ಸಹ ಯುಕ್ತ ಪ್ರಚಾರ ನೀಡತಕ್ಕದ್ದು. ನಿರ್ದೇಶಕರು, ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ ಇಲಾಖೆ ಇವರು ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಟೆಂಡರ್ ನೀಡುವ ಇಲಾಖೆಯ ಸೂಚನೆಗಳ ಪ್ರಕಾರ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - IV

ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸು ಮತ್ತು ಟೆಂಡರ್ ದಾಸ್ತಾವೇಜುಗಳು

11. ಟೆಂಡರ್ ದಾಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಒಳಗೊಂಡಿರುವ ತಾಂತ್ರಿಕ ವಿಶಿಷ್ಟ ವಿವರಣೆಗಳು: (1) ಟೆಂಡರ್ ದಾಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಒಳಗೊಂಡಿರುವ ತಾಂತ್ರಿಕ ವಿಶಿಷ್ಟ ವಿವರಣೆಗಳು ಸಂಗ್ರಹಿಸಲು ಉದ್ದೇಶಿಸಲಾದುದರ ಬಗ್ಗೆ ಸವಿವರವಾದ ವಿವರಣೆಯನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

(2) ನಿಷ್ಪಕ್ಷಪಾತವಾದ ತಾಂತ್ರಿಕ ವಿಶಿಷ್ಟ ವಿವರಣೆಗಳನ್ನು ಈ ಮುಂದಿನ ಮುಂಜಾಗ್ರತೆಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಸಿದ್ಧಪಡಿಸತಕ್ಕದ್ದು. ಎಂದರೆ:-

(ಎ) ಬ್ರಾಂಡ್ ಹೆಸರುಗಳು ಮತ್ತು ಕ್ಯಾಟ್‌ಲಾಗ್ ಸಂಖ್ಯೆಗಳ ಬಳಕೆಯನ್ನು ತಪ್ಪಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅವುಗಳ ಬಳಕೆಯನ್ನು ತಪ್ಪಿಸಲು ಸಾಧ್ಯವಿಲ್ಲದಿರುವಾಗ ಬ್ರಾಂಡ್ ಹೆಸರಿನೊಂದಿಗೆ “ಅಥವಾ ತತ್ಸಮಾನ” ಎಂಬ ಪದಾವಳಿಯನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ಬಿ) ಸಾಧ್ಯವಿರುವ ಕಡೆಗಳಲ್ಲಿ ಸೂಕ್ತ ಭಾರತೀಯ ಗುಣಮಟ್ಟಗಳನ್ನು ಸಂಖ್ಯೆಯೊಂದಿಗೆ ಸೇರ್ಪಡೆ ಮಾಡಿರತಕ್ಕದ್ದು.

(ಸಿ) ನಿರ್ಮಾಣ ಟೆಂಡರುಗಳ ಸಂದರ್ಭದಲ್ಲಿ, ಕಾಲಕಾಲಕ್ಕೆ ಪರಿಷ್ಕರಿಸತಲಾದ ದರಪಟ್ಟಿಗಳ ಮತ್ತು ಗುಣಮಟ್ಟದ ಅಂಕಿ ಅಂಶಗಳನ್ನು ಆಧರಿಸಿ ಸವಿವರವಾದ ಅಂದಾಜುಗಳನ್ನು ಸಕ್ಷಮ ತಾಂತ್ರಿಕ ಪ್ರಾಧಿಕಾರಿಗಳು ಸಿದ್ಧಪಡಿಸತಕ್ಕದ್ದು.

12. ವಾಣಿಜ್ಯ ಷರತ್ತುಗಳು: (1) ಟೆಂಡರ್ ದಾಸ್ತಾವೇಜುಗಳು ಮುಂಗಡ ಹಣ ರೇವಣಿಯನ್ನು ಇಲಾಖಾ ನಿಯಮಗಳ ಪ್ರಕಾರ ಇರುವ ದರಗಳಲ್ಲಿ ಡಿಮಾಂಡ್ ಡ್ರಾಫ್ಟ್, ಬ್ಯಾಂಕರ್ ಚೆಕ್, ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಸಣ್ಣ ಉಳಿತಾಯ ಪತ್ರಗಳ ಮೂಲಕ

ಪಾವತಿ ಮಾಡಲು ಅಥವಾ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಯೋಗ್ಯವೆಂದು ಭಾವಿಸಿದರೆ ಇಲಾಖೆಯು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದಂಥ ನಮೂನೆಯಲ್ಲಿ ರದ್ದುಪಡಿಸಲಾಗದ ಬ್ಯಾಂಕ್ ಗ್ಯಾರಂಟಿಯ ಮೂಲಕ ಪಾವತಿ ಮಾಡುವಂತೆ ಎಲ್ಲ ಟೆಂಡರ್‌ದಾರರನ್ನು ಅಗತ್ಯಪಡಿಸತಕ್ಕದ್ದು. ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳ ಮುಂಗಡ ಹಣ ಠೇವಣಿ ಇಲ್ಲದೆ ಸಲ್ಲಿಸಿದ ಯಾವುದೇ ಟೆಂಡರ್‌ನ್ನು ಕೂಡಲೇ ತಿರಸ್ಕರಿಸಲಾಗುವುದೆಂಬುದನ್ನು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸತಕ್ಕದ್ದು.

ಪರಂತು, ಮುಂಗಡ ಹಣ ಠೇವಣಿಯ ಸಂದಾಯಕ್ಕೆ ಸರ್ಕಾರದಿಂದ ನಿರ್ದಿಷ್ಟವಾಗಿ ವಿನಾಯಿತಿ ಪಡೆದ ಟೆಂಡರ್‌ದಾರರ ಯಾವುದೇ ಪ್ರವರ್ಗಕ್ಕೆ ಅಂಥ ಠೇವಣಿಯನ್ನು ಸಂದಾಯ ಮಾಡುವಂತೆ ಅಗತ್ಯಪಡಿಸಲಾಗುವುದಿಲ್ಲ.

(2) ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಟೆಂಡರಿನಲ್ಲಿ ಹೇಳಲಾದ ದರಗಳು ಯಾವ ಅವಧಿವರೆಗೆ ಮಾನ್ಯವಾಗಿರತಕ್ಕದೆಂಬುದನ್ನು ಟೆಂಡರ್‌ದಾರರಿಂದ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರತಕ್ಕದ್ದು ಎಂಬುದನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕದ್ದು.

ಪರಂತು, ಸಿಂಧುತ್ವದ ಪ್ರಾರಂಭದ ಅವಧಿಯ ತೊಂಬತ್ತು ದಿನಗಳಿಗಿಂತ ಕಡಿಮೆ ಇರತಕ್ಕದ್ದಲ್ಲ.

(3) ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳು ಟೆಂಡರ್‌ದಾರನು ಕರಾರನ್ನು ನಿರ್ವಹಿಸುತ್ತಾನೆಂಬುದಕ್ಕೆ ಖಾತರಿಯಾಗಿ ಇಲಾಖಾ ನಿಯಮಗಳ ಪ್ರಕಾರ ಯಶಸ್ವಿ ಟೆಂಡರ್‌ದಾರನಿಂದ ಭದ್ರತಾ ಠೇವಣಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕೆಂದು ಅಗತ್ಯಪಡಿಸತಕ್ಕದ್ದು.

(4) ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳು ಮತ್ತು ಕರಾರುಗಳಲ್ಲಿ, ಟೆಂಡರ್‌ದಾರನು ಕರಾರಿನ ಯಾವುದೇ ನಿಬಂಧನೆಗಳ ಅಥವಾ ಅದನ್ನು ಪೂರ್ಣವಾಗಿ ಪಾಲಿಸದ ಸಂದರ್ಭದಲ್ಲಿ ಸಂದಾಯ ಮಾಡಬೇಕಾದ ನಿಗದಿತ ಹಾನಿ ಪರಿಹಾರಗಳ ಮತ್ತು ದಂಡಗಳ ಸಂದಾಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಉಪಬಂಧ ಇರತಕ್ಕದ್ದು.

(5) ಟೆಂಡರ್, ದಸ್ತಾವೇಜುಗಳು, ಟೆಂಡರಿನಲ್ಲಿ ಸಂಗ್ರಹಿಸಲು ಉದ್ದೇಶಿಸಲಾದ ಪ್ರಮಾಣವನ್ನು ಸೂಚಿಸತಕ್ಕದ್ದು ಮತ್ತು ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಗೆ ಅಂತಿಮವಾಗಿ ಆದೇಶಿಸಲಾದ ಪ್ರಮಾಣವನ್ನು ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಸೂಚಿಸಿದ ಅಗತ್ಯ ಪ್ರಮಾಣವನ್ನು ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಶೇ ಇಪ್ಪತ್ತೈದರಷ್ಟರ ಮಟ್ಟಿಗೆ ಮಾತ್ರ ವ್ಯತ್ಯಾಸಗೊಳಿಸಲು ಸಾಮಾನ್ಯವಾಗಿ ಅನುಮತಿಸತಕ್ಕದ್ದು.

13. ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳ ಸರಬರಾಜು:- (1) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರ್‌ನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನಲ್ಲಿ ಸೂಚಿಸಿದ ದಿನಾಂಕದಿಂದ ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳು ದೊರೆಯುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(2) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ದಸ್ತಾವೇಜುಗಳ ವೆಚ್ಚವನ್ನು ಸಂದಾಯ ಮಾಡಲು ಇಚ್ಛಿಸುವಂಥ ಯಾರೇ ವ್ಯಕ್ತಿಗೆ ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳು ದೊರೆಯುವಂತೆ ಮಾಡಲಾಗಿದೆಯೆಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

ಪರಂತು, ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಕರಾರುದಾರರ ನೋಂದಣಿ ಪದ್ಧತಿಯನ್ನು ಹೊಂದಿದ್ದರೆ, ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ಸೂಕ್ತ ವರ್ಗಗಳ ನೋಂದಾಯಿತ ಕರಾರುದಾರರಿಗೆ ಮಾತ್ರ ಸರಬರಾಜು ಮಾಡಲಾಗುವುದು.

(3) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಯಾರೇ ಭಾವಿ ಟೆಂಡರ್‌ದಾರನು ಅಂಚೆ ವೆಚ್ಚಗಳೊಂದಿಗೆ ಬೆಲೆಯನ್ನು ಪಾವತಿ ಮಾಡಿ ಮತ್ತು ಭಾವಿ ಟೆಂಡರ್‌ದಾರನ ಹೊಣೆ ಮತ್ತು ಜವಾಬ್ದಾರಿಯ ಮೇಲೆ ದಸ್ತಾವೇಜುಗಳಿಗಾಗಿ ಕೋರಿಕೆ ಸಲ್ಲಿಸಿದರೆ ನೋಂದಾಯಿತ ಅಂಚೆ ಅಥವಾ ಕೊರಿಯರ್ ಮೂಲಕ ಕಳುಹಿಸಿಕೊಡತಕ್ಕದ್ದು.

14. ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳ ಬಗ್ಗೆ ಸ್ವೀಕರಣ: ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳ ನೀಡಿಕೆಯ ನಂತರ ಮತ್ತು ಟೆಂಡರ್‌ನ್ನು ತೆರೆಯುವ ಮೊದಲು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳಿಗೆ ಯಾವುದೇ ಬದಲಾವಣೆಗಳು, ಮಾರ್ಪಾಟುಗಳು ಅಥವಾ ತಿದ್ದುಪಡಿಗಳು ಮಾಡಬಹುದು ಮತ್ತು ಮೂಲ ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ಖರೀದಿಸಿದಂಥ ಎಲ್ಲರಿಗೂ ಅಂಥ ಬದಲಾವಣೆಯ ತಿಳುವಳಿಕೆ ಕಳುಹಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - V

ಟೆಂಡರ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸುವುದು ಮತ್ತು ಅವುಗಳನ್ನು ತೆರೆಯುವುದು.

15. ಟೆಂಡರ್‌ಗಳನ್ನು ಸ್ವೀಕರಿಸುವ ಸ್ಥಳ ಮತ್ತು ಸಮಯ: (1) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಟೆಂಡರ್‌ಗಳ ಸ್ವೀಕೃತಿಗೆ ಸೂಚಿಸಲಾದ ಸ್ಥಳದಲ್ಲಿ ಅವುಗಳನ್ನು ಉಚಿತ ರೀತಿಯಲ್ಲಿ ಸ್ವೀಕರಿಸಲು ಮತ್ತು ಅವುಗಳ ಸುರಕ್ಷಿತ ಅಭಿರಕ್ಷೆಗಾಗಿ ಸಾಕಷ್ಟು ವ್ಯವಸ್ಥೆಗಳನ್ನು ಮಾಡಲಾಗಿದೆ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

(2) ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರುಗಳನ್ನು ಅಂಚೆ ಅಥವಾ ಕೊರಿಯರ್ ಮೂಲಕ ಸಲ್ಲಿಸಲು, ಅನುಮತಿಸತಕ್ಕದ್ದು.

ಪರಂತು, ಅಂಥಹ ಸಂದರ್ಭಗಳಲ್ಲಿ ರವಾನೆಯಲ್ಲಿ ಉಂಟಾಗುವ ಯಾವುದೇ ವಿಳಂಬಕ್ಕೆ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಜವಾಬ್ದಾರನಾಗತಕ್ಕದ್ದಲ್ಲ.

(3) ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರುಗಳನ್ನು ಸ್ವೀಕರಿಸುವ ಕೊನೆಯ ದಿನಾಂಕ ಮತ್ತು ಸಮಯವನ್ನು:-

(ಎ) ಟೆಂಡರು ನೋಟೀಸಿನ ಪ್ರಕಟಣೆಯನ್ನು ವಿಳಂಬ ಮಾಡಿದ್ದಲ್ಲಿ;

(ಬಿ) 14ನೇ ನಿಯಮದ ಮೇರೆಗೆ ಭಾವಿ ಟೆಂಡರುದಾರರಿಗೆ ಟೆಂಡರು ದಸ್ತಾವೇಜಿನಲ್ಲಿ ಆಗಿರುವ ಬದಲಾವಣೆಗಳನ್ನು ತಿಳಿಸಲು ಸಮಯ ತೆಗೆದುಕೊಂಡಿದ್ದಲ್ಲಿ;

(ಸಿ) ಅಂಥ ವಿಸ್ತರಣೆಗಾಗಿ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಲಿಖಿತದಲ್ಲಿ ದಾಖಲಿಸತಕ್ಕ ಯಾವುದೇ ಇತರೆ ಸೂಕ್ತ ಕಾರಣಗಳು ಉಂಟಾಗಿದ್ದಲ್ಲಿ.

ಎಲ್ಲ ಆಸಕ್ತ ಟೆಂಡರುದಾರರಿಗೆ ಸಾಕಷ್ಟು ಸೂಚನೆ ನೀಡಿದ ನಂತರ ವಿಸ್ತರಿಸಬಹುದು.

16. ಟೆಂಡರು ಸಲ್ಲಿಸಿದ ಲಕೋಟೆಗಳ ಮೇಲೆ ಗುರುತು ಮಾಡುವುದು:

ಟೆಂಡರನ್ನು ಸಲ್ಲಿಸುವ ಲಕೋಟೆಯ ಮೇಲೆ ಸರಿಯಾದ ಮೇಲ್ಪರಹ ಬರೆದು ಮೊಹರು ಮಾಡಲು ಟೆಂಡರುದಾರನು ಜವಾಬ್ದಾರನಾಗಿರತಕ್ಕದ್ದು, ಮತ್ತು ಟೆಂಡರನ್ನು ತೆರೆಯಲು ಗೊತ್ತುಪಡಿಸಿದ ಸಮಯಕ್ಕೆ ಮೊದಲು, ಟೆಂಡರು ದಸ್ತಾವೇಜಿನಲ್ಲಿ ಅಗತ್ಯಪಡಿಸಲಾದಂತೆ ಸರಿಯಾದ ಮೇಲ್ಪರಹವಿಲ್ಲದೆ ಹಾಗೂ ಮೊಹರು ಮಾಡದೆ ಇದ್ದ ಲಕೋಟೆಗಳು, ಆಕಸ್ಮಿಕವಾಗಿ ತೆರೆದುಕೊಂಡರೆ ಅದಕ್ಕೆ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಜವಾಬ್ದಾರನಾಗಿರತಕ್ಕದ್ದಲ್ಲ.

17. ಟೆಂಡರುಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕನಿಷ್ಠ ಸಮಯ: (1) ಟೆಂಡರುಗಳನ್ನು ಸಲ್ಲಿಸಲು ಸಾಕಷ್ಟು ಸಮಯ ಒದಗಿಸಿರುವುದನ್ನು ಮತ್ತು ಸೂಕ್ತ ಟೆಂಡರು ಬುಲೆಟಿನಲ್ಲಿ ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನ ಪ್ರಕಟಣೆಯ ದಿನಾಂಕ ಮತ್ತು ಟೆಂಡರುಗಳನ್ನು ಸಲ್ಲಿಸಲು ಕೊನೆಯ ದಿನಾಂಕದ ನಡುವೆ ಕನಿಷ್ಠ ಸಮಯ ನೀಡಿರುವುದನ್ನು ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಈ ಕನಿಷ್ಠ ಸಮಯವು ಈ ಮುಂದಿನಂತಿರತಕ್ಕದ್ದು:

(ಎ) ಎರಡು ಕೋಟಿ ರೂ.ಗಳ ವರೆಗಿನ ಮೌಲ್ಯದ ಟೆಂಡರುಗಳಿಗೆ ಮೂವತ್ತು ದಿನಗಳು, ಮತ್ತು

(ಬಿ) ಎರಡು ಕೋಟಿ ರೂ.ಗಳಿಗಿಂತ ಹೆಚ್ಚಿನ ಮೌಲ್ಯದ ಟೆಂಡರುಗಳಿಗೆ ಅರವತ್ತು ದಿನಗಳು.

(2) (1) ನೇ ಉಪ ನಿಯಮದ ಮೇರೆಗೆ ಗೊತ್ತುಪಡಿಸಲಾದ ಸಮಯದಲ್ಲಿ ಯಾವುದೇ ಕಡಿತವನ್ನು ಮಾಡಬೇಕಾದರೆ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಗಿಂತ ಹಿರಿಯ ಪ್ರಾಧಿಕಾರಿಯು, ಲಿಖಿತದಲ್ಲಿ ಕಾರಣಗಳನ್ನು ದಾಖಲಾಡಿ ನಿರ್ದಿಷ್ಟವಾಗಿ ಅಧಿಕೃತಗೊಳಿಸಬೇಕು.

18. ಟೆಂಡರುಗಳನ್ನು ತೆರೆಯುವುದು:- (1) ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಸ್ವೀಕರಿಸಿದ ಎಲ್ಲ ಟೆಂಡರುಗಳನ್ನು, ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯಲ್ಲಿ ತೆರೆಯತಕ್ಕದ್ದು ಮತ್ತು 15 ನೇ ನಿಯಮದ (3)ನೇ ಉಪ ನಿಯಮಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಮೂಲ ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿನ ತರುವಾಯ ಟೆಂಡರುಗಳನ್ನು ಸಲ್ಲಿಸಲು ಸಮಯದ ವಿಸ್ತರಣೆ ನೀಡಲಾದ ಪ್ರಕರಣಗಳಲ್ಲಿ ತರುವಾಯ ಹಾಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಸಮಯದಲ್ಲಿ ತೆರೆಯತಕ್ಕದ್ದು.

(2) ಟೆಂಡರುಗಳನ್ನು ಟೆಂಡರುದಾರರ ಅಥವಾ ಟೆಂಡರುದಾರರ ಪ್ರತಿನಿಧಿಗಳಲ್ಲಿ ಹಾಜರಿಬಯಸುವ ಒಬ್ಬರ ಸಮ್ಮುಖದಲ್ಲಿ ತೆರೆಯಲಾಗುವುದು.

19. ಟೆಂಡರು ತೆರೆಯುವಾಗ ಅನುಸರಿಸಬೇಕಾದ ಕಾರ್ಯವಿಧಾನ: ಟೆಂಡರು ತೆರೆಯುವಾಗ ಈ ಮುಂದಿನ ಕಾರ್ಯವಿಧಾನವನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು:-

(ಎ) ಸ್ವೀಕರಿಸಲಾದ ಟೆಂಡರುಗಳನ್ನು ಒಳಗೊಂಡ ಎಲ್ಲ ಲಕೋಟೆಗಳನ್ನು ಎಣಿಸತಕ್ಕದ್ದು:

- (ಬಿ) ಸಕಾಲದಲ್ಲಿ ಸ್ವೀಕರಿಸಲಾದ ಎಲ್ಲ ಟೆಂಡರುಗಳನ್ನು ತೆರೆಯತಕ್ಕದ್ದು:
- (ಸಿ) ಹರಾಜು ಪ್ರಾರಂಭವಾಗುವ ಸಮಯದಲ್ಲಿ ಗಮನಿಸಿದ ಸರಿಪಡಿಸುವಿಕೆಗಳ ದಾಖಲೆಯನ್ನು ನಿರ್ವಹಿಸತಕ್ಕದ್ದು:
- (ಡಿ) ಟೆಂಡರುದಾರರ ಹೆಸರನ್ನು ಮತ್ತು ಅವರು ಸೂಚಿಸಿರುವ ಬೆಲೆಗಳನ್ನು ಓದತಕ್ಕದ್ದು:
- (ಇ) ಮುಂಗಡ ಹಣ ಠೇವಣಿ ಮಾಡಲಾಗಿದೆಯೇ ಮತ್ತು ಅಗತ್ಯವಿರುವ ಇತರ ದಸ್ತಾವೇಜುಗಳನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆಯೇ ಎಂಬ ವಿಷಯವನ್ನು ಸೂಚಿಸಬೇಕು, ಆದರೆ, ಇದು ಕೇವಲ ದಸ್ತಾವೇಜುಗಳ ಪರಿಶೀಲನೆಯೇ ಹೊರತು ಮೌಲ್ಯ ನಿರ್ಣಯವಲ್ಲ:
- (ಎಫ್) ಟೆಂಡರು ತೆರೆಯುವ ನಡವಳಿಗಳ ಟಿಪ್ಪಣಿಗಳನ್ನು ದಾಖಲಿಸತಕ್ಕದ್ದು, ಯಾರೇ ಟೆಂಡರುದಾರರು ಅಥವಾ ಅವರ ಪ್ರತಿನಿಧಿಗಳು ನಡವಳಿಕೆಗಳ ಟಿಪ್ಪಣಿಗಳಿಗೆ ಸಹಿಹಾಕಲು ನಿರಾಕರಿಸಿದ ಹೊರತು, ಹಾಜರಿರುವ ಟೆಂಡರುದಾರರ ಸಹಿಗಳನ್ನು ಪಡೆದುಕೊಳ್ಳತಕ್ಕದ್ದು.

20. ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿ:- (1) ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರು ದಸ್ತಾವೇಜುಗಳನ್ನು ಪರಿಶೀಲಿಸಲು, ಟೆಂಡರುಗಳನ್ನು ತೆರೆಯುವ ಬಗ್ಗೆ ಮೇಲ್ವಿಚಾರಣೆ ಮಾಡಲು, ಪ್ರಾರಂಭಿಕ ಪರಿಶೀಲನೆ ನಡೆಸಲು ಮತ್ತು ಸ್ವೀಕರಿಸಿದ ಟೆಂಡರುಗಳ ಸವಿವರವಾದ ಮೌಲ್ಯಮಾಪನ ಮಾಡಲು ಮತ್ತು ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರದ ಪರಿಗಣನೆಗಾಗಿ ಮೌಲ್ಯಮಾಪನ ವರದಿಯನ್ನು ಸಿದ್ಧಪಡಿಸಲು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವ ಅಂಥ ಅಧಿಕಾರಿಗಳನ್ನು ಒಳಗೊಂಡು ಒಂದು ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸಬಹುದು.

(2) ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿಗಳು, ನೀರಾವರಿ ಇಲಾಖೆ ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಟೆಂಡರಿನ ಮೌಲ್ಯವು ಐದು ಕೋಟಿ ರೂ.ಗಳನ್ನು ಮತ್ತು ಇತರ ಎಲ್ಲ ಇಲಾಖೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ಒಂದು ಕೋಟಿ ರೂ.ಗಳನ್ನು ಮೀರಿದಲ್ಲಿ ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - VI

ಟೆಂಡರು ಮೌಲ್ಯಮಾಪನ

21. ಟೆಂಡರು ಮೌಲ್ಯಮಾಪನವು ಮೌಲ್ಯಮಾಪನ ಮಾನದಂಡಕ್ಕೆ ಅನುಸಾರವಾಗಿರಬೇಕು: ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರು ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಸೂಚಿಸಿರುವ ಮೌಲ್ಯಮಾಪನ ಮಾನದಂಡಕ್ಕೆ ಅನುಸಾರವಾಗಿಯೇ ಟೆಂಡರುಗಳ ಮೌಲ್ಯ ಮಾಪನವನ್ನು ಮಾಡಿಸತಕ್ಕದ್ದು.

22. ಮೌಲ್ಯಮಾಪನಕ್ಕಾಗಿ ತೆಗೆದುಕೊಂಡ ಸಮಯ ಮತ್ತು ಟೆಂಡರು ಮಾನ್ಯತೆಯ ಅವಧಿಯ ವಿಸ್ತರಣೆ:-

(1) ಟೆಂಡರುಗಳ ಮೌಲ್ಯಮಾಪನ ಮತ್ತು ಕರಾರು ನೀಡಿಕೆಯನ್ನು ಸಾಧ್ಯವಾದಷ್ಟು ಮಟ್ಟಿಗೆ ಟೆಂಡರುಗಳ ಮಾನ್ಯತೆ ಅವಧಿಯೊಳಗೆ ಪೂರ್ಣಗೊಳಿಸತಕ್ಕದ್ದು.

(2) ಮೌಲ್ಯ ಮಾಪನವನ್ನು ಟೆಂಡರು ಮಾನ್ಯತೆಯ ಅವಧಿಯೊಳಗೆ ಪೂರ್ಣಗೊಳಿಸಲಾಗದಿದ್ದರೆ, ಮೌಲ್ಯಮಾಪನವನ್ನು ಪೂರ್ಣಗೊಳಿಸಲು, ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಟೆಂಡರುದಾರರಿಂದ ಟೆಂಡರುಗಳ ಮಾನ್ಯತೆಯ ವಿಸ್ತರಣೆಯನ್ನು ಕೋರಬಹುದು.

(3) ಟೆಂಡರುಗಳ ಮೌಲ್ಯಮಾಪನ ಮತ್ತು ಕರಾರು ನೀಡಿಕೆಯನ್ನು ವಿಸ್ತೃತ ಅವಧಿಯೊಳಗೆ ಪೂರ್ಣಗೊಳಿಸದಿದ್ದರೆ, ಎಲ್ಲ ಟೆಂಡರುಗಳ ಅಮಾನ್ಯವಾಗಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ಹೊಸ ಟೆಂಡರುಗಳನ್ನು ಕರೆಯಬಹುದು.

23. ಕಂಟ್ರಾಕ್ಟ್ ನೀಡಿಕೆಯನ್ನು ಅಧಿಸೂಚಿಸುವವರೆಗೆ ಟೆಂಡರು ಮೌಲ್ಯಮಾಪನ ಪ್ರಕ್ರಿಯೆಯು ಗೌಪ್ಯವಾಗಿರತಕ್ಕದ್ದು:- (1) ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು, ಟೆಂಡರುಗಳ ಮೇಲಿನ ಆದೇಶಗಳನ್ನು ಹೊರಡಿಸುವವರೆಗೆ, ಟೆಂಡರು ಮೌಲ್ಯಮಾಪನ ಪ್ರಕ್ರಿಯೆಯು ಗೌಪ್ಯತೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.

(2) ಟೆಂಡರುದಾರರು, ಟೆಂಡರನ್ನು ತೆರೆದ ನಂತರ ಮತ್ತು ನೀಡಿಕೆಯನ್ನು ಅಧಿಸೂಚಿಸುವ ಮೊದಲು, ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿ, ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿ ಅಥವಾ ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿಯೊಂದಿಗೆ

ಅಪೇಕ್ಷಣೀಯವಲ್ಲದ ಮತ್ತು ಪ್ರಾಧಿಕೃತವಲ್ಲದ ಸಂಪರ್ಕವನ್ನು ಪಡೆಯಲು ಪ್ರಯತ್ನಿಸತಕ್ಕದ್ದಲ್ಲ. ಮತ್ತು ಟೆಂಡರುದಾರರು, ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯ ಮೇಲೆ ಹೊರಗಿನ ಒತ್ತಡಗಳನ್ನು ತರಲು ಪ್ರಯತ್ನಿಸಿದರೆ, ಟೆಂಡರುದಾರನನ್ನು ಅನರ್ಹಗೊಳಿಸಲು ಇದು ಸಾಕಷ್ಟು ಕಾರಣವಾಗಬಹುದು.

(3) (2)ನೇ ಉಪ ನಿಯಮದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿ, ಅಥವಾ ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿ ಅಥವಾ ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿಯು, ಟೆಂಡರುಗಳನ್ನು ಮೌಲ್ಯಮಾಪನ ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಅವರು ಸಲ್ಲಿಸಿದ ಟೆಂಡರುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅವರಿಂದ ಪ್ರಾಮಾಣಿಕವಾದ ಸ್ಪಷ್ಟೀಕರಣಗಳನ್ನು ಬಯಸಬಹುದು.

24. ಗಣನೀಯ ಪ್ರತಿಕ್ರಿಯೆಗಳನ್ನು ನಿರ್ಧರಿಸಲು ಪ್ರಾರಂಭಿಕ ಪರೀಕ್ಷೆ: (1) ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಟೆಂಡರುಗಳ ಗಣನೀಯ ಪ್ರತಿಕ್ರಿಯೆಗಳನ್ನು ನಿರ್ಧರಿಸುವ ಸಲುವಾಗಿ ಸಲ್ಲಿಸಿರುವ ಟೆಂಡರುಗಳ ಪ್ರಾರಂಭಿಕ ಪರೀಕ್ಷೆಯನ್ನು ನಡೆಸುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(2) ಪ್ರಾರಂಭಿಕ ಪರೀಕ್ಷೆಯ ಸಮಯದಲ್ಲಿ ಈ ಮುಂದಿನ ಎಂದರೆ:-

- (ಎ) ಟೆಂಡರುದಾರರು, ಟೆಂಡರು ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ವಿಧಿಸಿರುವ ಅರ್ಹತಾ ಷರತ್ತುಗಳನ್ನು ಪೂರೈಸುತ್ತಾರೆಯೇ;
- (ಬಿ) ಅವಶ್ಯಕ ಮುಂಗಡ ಹಣದ ಠೇವಣಿಯನ್ನು ಒದಗಿಸಲಾಗಿದೆಯೇ;
- (ಸಿ) ಅವಶ್ಯಕ ಮುಂಗಡ ಹಣದ ಠೇವಣಿಯನ್ನು ಒದಗಿಸಲಾಗಿದೆಯೇ;
- (ಡಿ) ಅವಶ್ಯವಿರುವೆಡೆ ಮಾದರಿಗಳ ಪರೀಕ್ಷೆಯೂ ಸೇರಿದಂತೆ ಹರಾಜು ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ನಿರೂಪಿಸಲಾದ ತಾಂತ್ರಿಕ ವಿಶಿಷ್ಟ ವಿವರಗಳನ್ನು ಟೆಂಡರು ಗಣನೀಯವಾಗಿ ಪ್ರತಿಕ್ರಿಯಿಸಿದೆಯೆ ಎಂಬ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.

ಎಂಬ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.

(3) ಪ್ರಾರಂಭಿಕ ಪರೀಕ್ಷೆಯ ನಂತರ (2) ನೇ ಉಪ ನಿಯಮದ ಮೇರೆಗೆ ಯಾವುದೇ ಖಂಡಗಳ ಮೇರೆಗೆ ಗಣನೀಯವಾಗಿ ಪ್ರತಿಕ್ರಿಯಿಸಿಲ್ಲವೆಂದು ಕಂಡು ಬರುವ ಟೆಂಡರುಗಳನ್ನು ಟೆಂಡರು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು ತಿರಸ್ಕರಿಸಬಹುದು.

25. ಅತ್ಯಂತ ಕಡಿಮೆ ಮೌಲ್ಯಮಾಪನ ಮಾಡಲಾದ ಬೆಲೆಯ ನಿರ್ಧರಣೆ: (1) ಪ್ರಾರಂಭಿಕ ಪರೀಕ್ಷೆಯ ನಂತರ, ಗಣನೀಯವಾಗಿ ಪ್ರತಿಕ್ರಿಯಿಸಿದವುಗಳೆಂದು ಕಂಡು ಬಂದ ಟೆಂಡರುಗಳಲ್ಲಿ ಮೌಲ್ಯಮಾಪನ ಮಾನದಂಡಕ್ಕೆ ಅನುಸಾರವಾಗಿ ಅತ್ಯಂತ ಕಡಿಮೆ ಮೌಲ್ಯಮಾಪನ ಮಾಡಲಾದ ಬೆಲೆಯನ್ನು ಸೂಚಿಸಿದ ಟೆಂಡರುದಾರನನ್ನೂ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಮೌಲ್ಯಮಾಪನ ಮಾನದಂಡದ ಆಧಾರದ ಮೇಲೆ ಅತಿ ಹೆಚ್ಚಿನ ಬಿಡ್‌ಮಾಡಿದ ಟೆಂಡರುದಾರನನ್ನು ನಿರ್ಧರಿಸತಕ್ಕದ್ದು.

(2) ಅತ್ಯಂತ ಕಡಿಮೆ ಮೌಲ್ಯಮಾಪನ ಮಾಡಿದ ಬೆಲೆಯನ್ನು ನಿರ್ಣಯಿಸುವಲ್ಲಿ ಈ ಮುಂದಿನ ನಿಯಮಗಳನ್ನು ಪರಿಗಣಿಸತಕ್ಕದ್ದು. ಎಂದರೆ:-

- (ಎ) ಸೂಚಿಸಲಾದ ಬೆಲೆಯಲ್ಲಿ ಇರುವ ಗಣಿತದ ತಪ್ಪುಗಳನ್ನು ಸರಿಪಡಿಸತಕ್ಕದ್ದು.
- (ಬಿ) ಪದಗಳಲ್ಲಿ ಮತ್ತು ಅಂಕಿಗಳಲ್ಲಿ ಸೂಚಿಸಲಾದ ಬೆಲೆಗಳ ನಡುವೆ ವ್ಯತ್ಯಾಸವಿದ್ದಲ್ಲಿ ಎರಡರಲ್ಲಿ ಕಡಿಮೆಯದನ್ನು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.
- (ಸಿ) ಒಂದು ನಿರ್ದಿಷ್ಟ ಟೆಂಡರಿನ ಸಂಬಂಧದಲ್ಲಿ ಡೆಲಿವರಿ ಷಡ್ಯೂಲ್‌ಗಳಂಥ ವಾಣಿಜ್ಯ ಷರತ್ತುಗಳ ಉಲ್ಲಂಘನೆಗಾಗಿ ಮತ್ತು ಮುಖ್ಯವಲ್ಲವೆಂದು ಭಾವಿಸಲಾಗುವ ಆದರೆ ನಿರ್ಧರಿಸಬಹುದಾದ ಮೊತ್ತಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಸಂದಾಯಗಳ ನಿಬಂಧನೆಗಳಲ್ಲಿನ ಸಣ್ಣ ವ್ಯತ್ಯಾಸಗಳಿಗಾಗಿ ಸೂಚಿಸಲಾದ ಬೆಲೆಗೆ ಹೊಂದಾಣಿಕೆ ಮಾಡತಕ್ಕದ್ದು.
- (ಡಿ) ಮೌಲ್ಯಮಾಪನವು ಬೆಲೆಯ ಒಂದು ಭಾಗವಾಗಿ ಸ್ಥಳೀಯ ತೆರಿಗೆಗಳೂ ಸೇರಿದಂತೆ ಸೀಮಾ ಸುಂಕ ಮತ್ತು ಕೇಂದ್ರ ಅಬ್ಕಾರಿ ಸುಂಕದಂಥ ಎಲ್ಲ ಕೇಂದ್ರ ಸುಂಕಗಳನ್ನು ಒಳಗೊಳ್ಳತಕ್ಕದ್ದು.

(ಇ) ಸಾಧನ ಸಾಮಗ್ರಿ ಖರೀದಿಯ ಸಂಬಂಧದಲ್ಲಿ ಹರಾಜು ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂತೆ ಸಮುಚಿತ ಅವಧಿಗಳಿಗಾಗಿ ಉಂಟಾದ ಕಾರ್ಯಾಚರಣೆ ಮತ್ತು ನಿರ್ವಹಣೆ, ಮತ್ತು ಬಿಡಿ ಭಾಗಗಳ ವೆಚ್ಚಗಳನ್ನು ಸೂಚಿಸುವುದು ಸಾಧ್ಯವಿರುವೆಡೆಗಳಲ್ಲಿ ಮತ್ತು ಪರಿಗಣಿಸಬಹುದಾದ ಕಡೆಗಳಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸತಕ್ಕದ್ದು:

26. ಮೌಲ್ಯಮಾಪನ ವರದಿ ತಯಾರಿಕೆ ಮತ್ತು ಟೆಂಡರುಗಳ ನೀಡಿಕೆ: (1) ಟೆಂಡರು ಪರಿಶೀಲನಾ ಸಮಿತಿ ಅಥವಾ ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸುವ ಅಧಿಕಾರಿಯು, ವಿವರವಾದ ಮೌಲ್ಯಮಾಪನದ ವರದಿಯನ್ನು ತಯಾರಿಸತಕ್ಕದ್ದು. ಟೆಂಡರಿನ ಮೇಲೆ ಅಂತಿಮ ನಿರ್ಣಯವನ್ನು ಕೈಗೊಳ್ಳುವ ಮೊದಲು ಟೆಂಡರು ಅಂಗೀಕಾರ ಪ್ರಾಧಿಕಾರವು ಇದನ್ನು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.

(2) 12ನೇ ಪ್ರಕರಣಕ್ಕೆ] ಅನುಸಾರವಾಗಿ ಕರಾರನ್ನು ನಿರ್ವಹಿಸಲು ಅರ್ಹನಾದ ಟೆಂಡರುದಾರನನ್ನು ಗುರುತಿಸಿದ ನಂತರ ಆದಷ್ಟು ಬೇಗನೆ ಟೆಂಡರು ಅಂಗೀಕಾರ ಪ್ರಾಧಿಕಾರವು, ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸಿದ ಆದೇಶಗಳನ್ನು ಹೊರಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಯಶಸ್ವಿ ಟೆಂಡರುದಾರನಿಗೆ ಅಂಗೀಕಾರದ ಆದೇಶವನ್ನು ತಿಳಿಸತಕ್ಕದ್ದು ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು ಸ್ವೀಕರಿಸಿದ ಟೆಂಡರುಗಳ ತೌಲನಿಕ ವಿವರ ಪತ್ರದೊಂದಿಗೆ ಟೆಂಡರುಗಳ ಮೌಲ್ಯಮಾಪನ ವಿವರಣಪತ್ರ ಮತ್ತು ಅದರ ಮೇಲೆ ತೆಗೆದುಕೊಳ್ಳಲಾದ ನಿರ್ಧಾರವನ್ನು ಟೆಂಡರು ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಣೆಗಾಗಿ ಟೆಂಡರು ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗೂ ಸಹಾ ಕಳುಹಿಸತಕ್ಕದ್ದು.

(3) ಟೆಂಡರು ದಸ್ತಾವೇಜುಗಳಲ್ಲಿ ಸೂಚಿಸಲಾಗಿರುವ ಅಂಥ ಸೂಕ್ತ ಸಮಯದ ಒಳಗೆ, ಟೆಂಡರು ಅಂಗೀಕಾರವಾಗಿರುವ ಟೆಂಡರುದಾರನು ನಿರ್ದಿಷ್ಟ ಪಡಿಸಿದ ನಮೂನೆಯಲ್ಲಿ ಕರಾರು ಒಪ್ಪಂದವನ್ನು ಬರೆದುಕೊಡುವಂತೆ ಅಗತ್ಯಪಡಿಸಲಾಗುವುದು.

(4) (3)ನೇ ಉಪ ನಿಯಮದ ಮೇರೆಗೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅವಧಿಯೊಳಗೆ ಅಗತ್ಯವಿರುವ ಒಪ್ಪಂದವನ್ನು ಬರೆದುಕೊಡಲು ಯಶಸ್ವಿ ಟೆಂಡರುದಾರನು ವಿಫಲನಾದ ಸಂದರ್ಭದಲ್ಲಿ ನಂತರ ಮುಂಗಡ ಹಣದ ಠೇವಣಿಯನ್ನು ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳತಕ್ಕದ್ದು ಮತ್ತು ಅವನ ಟೆಂಡರನ್ನು ಪ್ರತಿಕ್ರಿಯೆಬಾರದ ಟೆಂಡರು ಎಂದು ನಿರ್ಣಯಿಸತಕ್ಕದ್ದು.

27. ಪೂರ್ವಾರ್ಹತೆ ಕಾರ್ಯವಿಧಾನ:- ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು, ಲಿಖಿತದಲ್ಲಿ ಕಾರಣಗಳನ್ನು ದಾಖಲಾಡಿ, ಈ ಮುಂದಿನವುಗಳ ಆಧಾರದ ಮೇಲೆ ಟೆಂಡರುದಾರರ ಪೂರ್ವಾರ್ಹತೆಗಳಿಗಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸತಕ್ಕದ್ದು:

(ಎ) ಇದೇ ರೀತಿಯ ಕರಾರುಗಳನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸುವಲ್ಲಿ ಇರುವ ಅನುಭವ ಮತ್ತು ಹಿಂದಿನ ನಿರ್ವಹಣೆಯ ರೀತಿ:

(ಬಿ) ಸಿಬ್ಬಂದಿ, ಸಾಧನ ಸಾಮಗ್ರಿಗಳು ಮತ್ತು ನಿರ್ಮಾಣ ಅಥವಾ ತಯಾರಿಕೆ ಸೌಲಭ್ಯಗಳ ಸಂಬಂಧದಲ್ಲಿ ಟೆಂಡರುದಾರನಿಗಿರುವ ಸಾಮರ್ಥ್ಯಗಳು.

(ಸಿ) ಆರ್ಥಿಕ ಸ್ಥಾನಮಾನ ಮತ್ತು ಸಾಮರ್ಥ್ಯ

(2) ಪೂರ್ವಾರ್ಹತೆ ಪಡೆದ ಟೆಂಡರುದಾರರ ಟೆಂಡರುಗಳನ್ನು ಮಾತ್ರ ಮೌಲ್ಯಮಾಪನಕ್ಕಾಗಿ ಪರಿಗಣಿಸತಕ್ಕದ್ದು:

28. ಎರಡು ಲಕೋಟೆ ಟೆಂಡರುಗಳು:- (1) ನಿರ್ಮಾಣ ಅಥವಾ ಸಾಧನ ಸಾಮಗ್ರಿಯ ಸರಬರಾಜು ಮತ್ತು ಅವುಗಳ ಸ್ಥಾಪನೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಪೂರ್ವಾರ್ಹತಾ ವಿಧಾನ ಅಥವಾ ಟರ್ನ್ ಕೀ ಟೆಂಡರ್ ವಿಧಾನಗಳನ್ನು ಅನುಸರಿಸದಿರುವ 50 ಲಕ್ಷ ರೂ.ಗಳ ಮೌಲ್ಯವನ್ನು ಮೀರಿದ ಟೆಂಡರುಗಳ ಸಂದರ್ಭದಲ್ಲಿ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು ಎರಡು ಲಕೋಟೆ ಟೆಂಡರ್ ಪದ್ಧತಿಯನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

(2) ಮೊದಲ ಲಕೋಟೆಯು ಟೆಂಡರುದಾರನಿಗೆ ಸಂಬಂಧಿಸಿದ ಮುಂದಿನ ಮಾಹಿತಿಯನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು ಎಂದರೆ:

(ಎ) ಇದೇ ರೀತಿಯ ಕರಾರುಗಳನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸುವಲ್ಲಿ ಇರುವ ಅನುಭವ ಮತ್ತು ಹಿಂದಿನ ನಿರ್ವಹಣೆಯ ರೀತಿ.

(ಬಿ) ಸಿಬ್ಬಂದಿ, ಸಾಧನ ಸಾಮಗ್ರಿ ಮತ್ತು ನಿರ್ಮಾಣ ಅಥವಾ ತಯಾರಿಕೆ ಸೌಲಭ್ಯಗಳ ಸಂಬಂಧದಲ್ಲಿನ ಸಾಮರ್ಥ್ಯಗಳು:

ಸಿ) ಆರ್ಥಿಕ ಸ್ಥಾನಮಾನ ಮತ್ತು ಸಾಮರ್ಥ್ಯ;

(ಡಿ) ಸುಸಂಗತವೆಂದು ಪರಿಗಣಿಸುವ ಯಾವುದೇ ಇತರ ಮಾಹಿತಿ

(3) ಎರಡನೇ ಲಕೋಟಿಯು ಟೆಂಡರುದಾರನು ಸೂಚಿಸಿರುವ ಬೆಲೆಗಳನ್ನು ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

(4) ಟೆಂಡರು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಮೊದಲ ಲಕೋಟಿಯನ್ನು ಮೊದಲು ತೆರೆಯುವಂತೆ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಟೆಂಡರು ದಸ್ತಾವೇಜಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಿರುವ ಮಾನದಂಡದ ಆಧಾರದ ಮೇಲೆ ಟೆಂಡರುದಾರರ ಸಾಮರ್ಥ್ಯವನ್ನು ಮೌಲ್ಯಮಾಪನ ಮಾಡತಕ್ಕದ್ದು ಮತ್ತು ಅದರ ಆಧಾರದ ಮೇಲೆ ಅರ್ಹ ಟೆಂಡರುದಾರರ ಪಟ್ಟಿಯೊಂದನ್ನು ತಯಾರಿಸತಕ್ಕದ್ದು.

(5) ಆ ತರುವಾಯ (4)ನೇ ಉಪ ನಿಯಮದ ಮೇರೆಗೆ ಅರ್ಹ ಟೆಂಡರುದಾರರೆಂದು ಕಂಡುಬಂದಿರುವವರು ಸೂಚಿಸಿರುವ ಬೆಲೆಯನ್ನು ಒಳಗೊಂಡಿರುವ ಎರಡನೇ ಲಕೋಟಿಯನ್ನು ಮಾತ್ರ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ತೆರೆಯತಕ್ಕದ್ದು.

(6) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು 25 ಮತ್ತು 26ನೇ ನಿಯಮದಲ್ಲಿರುವ ವಿಧಾನವನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

ಅಧ್ಯಾಯ - VII

ಅಪೀಲುಗಳು

29. ಅಪೀಲು:- 15ನೇ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಒಂದು ಅಪೀಲನ್ನು:-

- (ಎ) ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರಿಗೆ ಅಧೀನರಾದ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಆದೇಶಗಳನ್ನು ಹೊರಡಿಸಿದ್ದರೆ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರಿಗೆ
- (ಬಿ) ಆದೇಶವನ್ನು ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರು ಅಥವಾ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರದ ಉದ್ಯಮ ಅಥವಾ ಸರ್ಕಾರದ ಒಡೆತನ ಅಥವಾ ಅದರ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಒಂದು ಮಂಡಳಿ ನಿಕಾಯ ನಿಗಮ ಅಥವಾ ಯಾವುದೇ ಇತರೆ ಪ್ರಾಧಿಕಾರ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು ಆಗಿ ಹೊರಡಿಸಿದ್ದರೆ ಸರ್ಕಾರಕ್ಕೆ.

-ಸಲ್ಲಿಸತಕ್ಕದ್ದು

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಕೆ.ಆರ್. ಬಡಿಗೇರ್

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಲೋಕೋಪಯೋಗಿ (ಆರ್ಥಿಕ ಕೋಶ)

**THE KARNATAKA TRANSPARENCY IN PUBLIC PROCUREMENTS
RULES, 2000**

No. PWD/154/FC-III/2000 Dated: 24th October 2000

NOTIFICATION

CHAPTER - I

PRELIMINARY

In exercise of the powers conferred by Sub Section (1) of Section 23 of the Karnataka Transparency in Public Procurement Ordinance 2000, the Government of Karnataka hereby makes the following Rules namely:-

1. Short title and commencement:- (a) These rules may be called be called the Karnataka Transparency in Public Procurements Rules, 2000,

(b) They shall come into force on the date of Publication in the Gazette

2. Definitions: In these rules, unless the context otherwise requires

- (a) **"earnest money deposit"** means the amount required to be deposited by a tenderer along with his tender indicating his willingness to implement the contract;
- (b) **"Pre-qualification"** means the process by which the tenderers are first screened for their capability and resources to implement the contract before they are permitted to offer their tenders;
- (c) **"two-cover system"** means a procedure under which the tenderers are required simultaneously submit two separate sealed covers, one containing the Earnest Money Deposit and the details of their capability to undertake the tender which will be opened first and the second cover containing the price quotation which will be opened only if the tenderer is found to be qualified to execute the tender;

CHAPTER - II

GENERAL

3. Categories of procurement:- (1) For the purposes of the application of these rules, procurement is categorized as follows, namely:-

- (i) Construction; and
- (ii) Supply of goods and services.

CHAPTER - III

PUBLICITY

4. Publication of tender bulletin:- (1) The District Tender Bulletin shall be published by the District Bulletin Officer at least once in every week.

(2) The State Tender Bulletin shall be published by the State Tender Buttein Officer at least once in every week.

(3) The Tender Bulletin Officer shall cause to be published all notices inviting tenders and intimations of acceptance of tenders received upto forty eight hours prior to the actual publication of the bulletin.

(4) In case notice inviting tender or information relating to acceptance of the tender needs to be published urgently, then the Secretary to Government of the concerned administrative department in the case of the State Tender Bulletin or the Deputy Commissioner in the case of the District Tender Bulletin may for the reasons to be recorded in writing, direct the respective tender bulletin officers to publish an extraordinary issue of the tender bulletin.

5. Distribution of tender Bulletins:- (1) The Tender bulletin Officer shall make the tender bulletin available in the concerned office of the Government department, local authority statutory board, public sector undertaking, university or cooperative institution.

(2) The Tender Bulletin Officer shall make available adequate copies of the tender Bulletin at the office of the Tender Inviting Authority whose notice inviting tenders and intimation of tender acceptance finds place in the bulletin.

(3) Any person or institution can be enrolled as a regular subscriber to the tender bulletin on payment of a fixed fee annually, half-yearly or quarterly. as the case may be.

6. Tender Bulletin to contain information only:- (1) The tender bulletin shall contain only information of the notice inviting tenders.

(2) Intimation of acceptance of tender shall not in itself create a legal right.

(3) A notice inviting tender will not be invalidated merely on the grounds that the notice has not been published in the News papers.

7. Information to be published in the state tender bulletin:- The notice inviting tenders and decisions on tenders shall be published in the State Tender Bulletin in cases where.

(a) The Tender Inviting Authority is a secretary to Government, or a head of a government department, or the Chief Executive of a Public Sector Undertaking, Statutory board, apex Cooperative Institution, University or State Level Society Formed by the Government.

(b) The value of the procurement is rupees one crore and above.

8. Information to be published in the district tender bulletin:- Subject to the provisions of rule 10, notices inviting tenders and decisions on tenders shall be published in the district Tender Bulletin of the district where the headquarters of the Tender Inviting Authority is located.

Provided that where a value of procurement is rupees one crore and above, it shall also be published in the State Bulletin.

9. Details to be mentioned in notice inviting tenders:- The Notice inviting Tenders shall contain the Following details, namely,-

- (a) The name and address of the procuring entity and the designation and address of the Tender Inviting authority;
- (b) Name of the scheme, project or programme for which the procurement is to be effected;
- (c) The date upto which and places from where the tender documents can be obtained;
- (d) The amount of earnest money deposit payable;
- (e) The last date and time for receipt of tenders;
- (f) The date, time and place for opening of tenders received; and
- (g) any other information which the Tender Inviting authority considers relevant.

10. Publication of notice inviting tenders in newspapers:- (1) The Tender Inviting Authority shall have the notice inviting tenders published in the Indian Trade Journal in all cases where the value of procurement exceeds rupees ten crores.

(2) The number, editions and language of the newspapers in which the notices inviting tenders shall be published will be based on the value of procurement as per departmental rules.

(3) In cases where publication of Tender Notices is to be done only in newspapers with circulation within the District, the Information and Publicity Officer of the District shall be the competent authority to release the advertisement shall be the Director of Information and Publicity Bangalore.

(4) The notice inviting tender shall be given due publicity in Newspapers and also by a fixing on notice boards in the District Offices. The Director of Information and Publicity shall publish the Notice Inviting Tenders as per instructions of the tendering department.

CHAPTER - IV

NOTICE INVITING TENDERS AND

TENDER DOCUMENTS

11. Technical specifications contained in the tender documents:- (1) The technical specifications contained in the tender documents shall include a detailed description of what is proposed to be procured.

(2) Unbiased technical specifications shall be prepared by observing by observing the following safeguards, namely:-

- (a) use of brand names and catalogue numbers shall be avoided and where it becomes unavoidable, along with the brand name the expression "or equivalent" shall be added;
- (b) Wherever possible the appropriate Indian Standards with the number shall be incorporated;

- (c) In the case of construction tenders, detailed estimates shall be prepared by the competent technical authorities based on the schedule or rates and standard data as revised from time to time.

12. Commercial conditions:- (1) The tender documents shall require all tenderers to pay an earnest money deposit at the rates as per the departmental rules by means of a demand draft, bankers, cheque, specified small savings instruments or where the procuring entity deems fit, irrevocable bank guarantee in a specified form of the department. The tender documents shall clearly state that any tender submitted without the earnest money deposit be summarily rejected.

Provided that any category of tenders specifically exempted by the Government from the payment of earnest money deposit will not be required to make such a deposit.

(2) The tender documents shall specify the period for which the tenderer should hold the prices offered in the tender valid.

Provided that the initial period of validity shall not be less than ninety days.

(3) The tender documents shall require that as a guarantee of the tenderer's performance of the contract, a security deposit be taken from the successful tenderer as per departmental rules.

(4) The tender documents and the contract shall include a clause for payment of liquidated damages and penalty payable by the tenderer in the event of non-fulfillment of any of the terms or whole of the contract.

(5) The tender documents shall indicate the quantity proposed to be procured in the tender, and the Tender Accepting authority shall be ordinarily permitted to vary. The quantity finally ordered only to the extent of twenty five percent either way of the requirement indicated in the tender documents.

13. Supply of tender documents:- (1) the Tender Inviting Authority shall make available the tender documents from the date indicated in the notice inviting tender.

(2) The Tender Inviting Authority shall ensure that the tender documents are made available to any person who is willing to remit the cost of the documents.

Provided that in the cases where the procuring entity has a system of registration of contractors, the tender documents will be supplied only to registered contractors in the appropriate class.

(3) The Tender Inviting Authority shall be registered post or courier the tender documents to any prospective tenderer who makes a request for the documents on payment of cost along with postal charges at the risk and responsibility of the prospective tenderer.

14. Clarification to tender documents:- At any time after the issue of the tender documents and before the opening of the tender, the tender Inviting authority may make any changes, modifications or amendments to the tender documents and shall send intimation of such change to all those who have purchased the original tender documents.

CHAPTER - V

RECEIPT OF TENDERS AND TENDER OPENING

15. Place and time for receipt of tenders:- (1) The Tender Inviting authority shall ensure that adequate arrangements are made for the proper receipt and safe custody of the tenders at the place indicated for the receipt of tenders.

(2) The Tender Inviting Authority shall permit the submission of tenders by post or courier.

Provided that the Tender Inviting Authority shall not be responsible for any delay in trans it in such cases.

(3) The Tender Inviting Authority may extend the last date and time for receiving tenders after giving adequate notice to all intending tenderers in cases where:-

- (a) The publication of the tender notice has been delayed;
- (b) The communication of changes, in the tender documents to the prospective tenderers under rule 14 took time;
- (c) Any other reasonable grounds exist, for such extension which shall be recorded in writing by the Tender Inviting Authority.

16. Marking of covers in which the tender is submitted:- The tenderer shall be responsible for properly superscribing and sealing the cover in which the tender is submitted and the Tender Inviting Authority shall not be responsible for accidental opening of the covers that are not properly superscribed and sealed as required in the tender documents before the time appointed for tender opening.

17. Minimum time for submission of tenders:- (1) Tender Inviting Authority shall ensure that adequate time is provided for the submission of tenders and minimum time is allowed between date of publication of the Notice Inviting Tenders in the relevant tender Bulletin the last date for submission of tenders. This minimum period shall be as follows:-

- (a) For tender upto rupees two crores in value, thirty days, and
- (b) For tenders in excess of rupees two crores in value thirty days

(2) Any reduction in the time stipulated under sub-rule (1) has to be specifically authorized by an authority superior to the Tender Inviting Authority for reasons to be recorded in writing.

18. Opening of tenders:- (1) all the tenders received by the tender Accepting Authority shall be opened at the time specified in the Notice Inviting Tenders and in cases where an extension of time for the submission of tenders has been given subsequent to the original Notice Inviting Tenders in accordance with sub-rule (3) of rule 15 at the time so specified subsequently.

(2) The tenders will be opened in the presence of the tenderers or one of the representatives of the tenderer who chooses to be present.

19. Procedure to be followed at tender opening:- the following procedure shall be followed at the tender opening:-

- (a) All the envelopes received containing tenders shall be counted;
- (b) All the tenders received in time shall be opened;
- (c) A record of the corrections noticed at the time of the bid opening shall be maintained;
- (d) The name of the tenderers and the quoted prices should be read out.
- (e) The fact whether earnest money deposit has been made and other documents required have been produced may be indicated, but this shall be merely an examination of the documents and not an evaluation;
- (f) Minutes of the tender opening shall be recorded. The signatures of the tenderers present shall be obtained unless any of the tenderers or his representative refuses to sign the minutes.

20. Tender scrutiny committee:- (1) Tender Accepting Authority may constitute a Tender Scrutiny Committee consisting of such officers as it deems fit to scrutinize the tender documents, supervise opening of tenders carry out the preliminary examination and detailed evaluation of the tenders received and to prepare an evaluation report for the consideration of the Tender Accepting Authority.

(2) The Tender accepting authority shall constitute the Tender Scrutiny Committee, where the value of tender exceeds rupees five crores in respect of public works, irrigation department and minor irrigation department and one crore in respect of all the other departments.

CHAPTER - VI

TENDER EVALUATION

21. Tender evaluation to be in accordance with evaluation Criteria:- The Tender Accepting Authority shall cause the evaluation of tenders to be carried out strictly in accordance with evaluation criteria indicated in tender documents.

22. Time taken for evaluation and extension of tender validity:- (1) The evaluation of tenders and award of contract shall be completed, as far as possible, within the period for which the tenders are held valid.

(2) The Tender Accepting Authority shall seek extension of the validity of tenders from the tenderers for the completion of evaluation, if it is not completed within the validity period of tender.

(3) In case the evaluation of tenders and award of contract is not completed within extended period, all the tenders shall be deemed to have become invalid and fresh tenders may be called for.

23. Process of tender evaluation to be confidential until the award of the contract is notified:- (1) The Tender Inviting Authority shall ensure the

confidentiality of the process of tender evaluation until orders on the tenders are passed.

(2) Tenders shall not make attempts to establish unsolicited and unauthorised contact with the Tender Accepting authority, Tender Inviting Authority or Tender Scrutiny Committee after the opening of the Tender and prior to the notification of the Award and if any attempt by the tenderer to bring to bear extraneous pressures on the Tender Accepting authority shall be sufficient reason to disqualify the tenderer.

(3) Notwithstanding anything contained in sub-rule (2), the Tender Inviting authority or the Tender Accepting authority or the Tender Scrutiny Committee may seek bonafide clarifications from tenderers relating to the tenders submitted by them during the evaluation of tenders.

24. Initial examination to determine substantial responsiveness:- (1) The Tender Inviting Authority shall cause an initial examination of the tenders submitted to be carried out in order to determine their substantial responsiveness.

(2) During the initial examination the following factors shall be considered, namely:-

- (a) Whether the tenderer meets the eligibility criteria laid down in the tender documents;
- (b) Whether the crucial documents have been duly signed;
- (c) Whether the requisite earnest money deposit has been furnished;
- (d) Whether the tender is substantially responsive to the technical specifications set out in the bidding documents including the testing of samples where required.

(3) Tenders which on initial examination are found not to be substantially responsive under any of the clauses under sub-rule (2) may be rejected by the Tender Accepting Authority.

25. Determination of the lowest evaluated price:- (1) Out of the tenders found to be substantially responsive after the initial examination the tenderer who has bid the lowest evaluated price in accordance with the evaluation criteria or tenderer scoring the highest on the evaluation criteria specified as the case may be, shall be determined.

(2) In determining the lowest evaluated price, the following factors shall be considered, namely:-

- (a) the quoted price shall be corrected for arithmetical errors;
- (b) In case of discrepancy between the prices quoted in words and in figures, lower of the two shall be considered;
- (c) adjustments to the price quoted shall be made for deviations in the commercial conditions such as the delivery schedules. and minor

variations in the payment terms which are quantifiable but deemed to be non-material in the context of the particular tender;

- (d) The evaluation shall include all central duties such as customs duty and central excise duty inclusive of local levies as a part of the price.
- (e) In the case of purchase of equipment, the operation and maintenance and spare part costs for appropriate periods as may be specified in bid documents may be quantified, where practicable and considered.

26. Preparation of evaluation report and award of tenders:- (1) Tender Scrutiny Committee or the officer inviting the tender shall prepare detailed evaluation report which shall be considered by the Tender Accepting Authority before taking a final decision on the tender.

(2) As soon as the tenderer qualified to perform the contract is identified, in accordance with section 12 the Tender Accepting Authority shall pass orders accepting the tender and communicate the order of acceptance to the successful tenderer. The Tender Accepting Authority shall also send to the Tender Bulletin Officer a statement of evaluation of the tenders. with a comparative statement of tenders received and decision thereon for publication in the Tender Bulletin.

(3) Within such reasonable time as may be indicated in the tender documents, the tenderer whose tender has been accepted will be required to execute the contract agreement in the specified format

(4) In case the successful tenderer fails to execute necessary agreement under sub rule (3) within the period specified, then Earnest Money Deposit shall be forfeited and his tender held as non-responsive.

27. Pre-qualification Procedure:- (1) The tender inviting authority shall for reasons to be recorded in writing provide for pre-qualification of tenderers on the basis of:

- (a) experience and past performance in the execution of similar contracts;
- (b) Capabilities of the tenderer with respect to personnel, equipment and construction or manufacturing facilities;
- (c) Financial status and capacity.

(2) Only the tenders of pre-qualified tenderers shall be considered for evaluation.

28. Two Cover Tenders:- (1) In the case of construction or supply and installation of equipment, tenders exceeding Rs. 50 lakhs in value where the prequalification procedure or Turn Key Tender System are not being followed the tender inviting authority shall follow the two -cover tender system.

(2) The first cover shall contain the following information about the tenderer namely:

- (a) Experience and past performance in the execution of similar contracts.

- (b) Capabilities with respect to personnel, equipment and construction or manufacturing facilities
- (c) Financial status and capacity
- (d) any other information considered relevant.

(3) The second cover shall contain the prices quoted by the tenderer.

(4) The tender inviting authority shall cause the first cover to be opened first and evaluate the tenderer's capacity on the basis of criteria specialised in the tender document and on this basis, prepare a list of qualified tenderers.

(5) Thereafter, the Second cover containing the price quotations of only those tenderers found qualified under sub-rule (4) Shall be opened by the tender inviting authority.

(6) The tender inviting authority shall follow the procedure outline in rule 25 and 26.

CHAPTER - VII

APPEALS

29. Appeal:- An appeal under section 15 shall lie:

- (a) to the Head of the Department concerned if the order is passed by the Tender accepting authority subordinate to the Head of the Department:
- (b) To the Government if the order is passed by a tender accepting authority which is Head of the Department, or a local authority or a State Government Undertaking or a Board, Body Corporation or any other authority owned or controlled by the Government.

By Order and in the name Governor of Karnataka

K.R. BADIGER

Under Secretary to Government
PWD (Finance Cell)

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ ಸಂವತ್ಸಾ 29 ಶಾಸನ 1999, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 13ನೇ ಡಿಸೆಂಬರ್, 2000

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧ್ಯಾದೇಶ 1999 ಕ್ಕೆ 2000ದ ಡಿಸೆಂಬರ್ 10ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2000 ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 29 ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

2000ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 29

(2000ದ ಡಿಸೆಂಬರ್ 13ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999.

(2000ದ ಡಿಸೆಂಬರ್ 10ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಅನುಮತಿಯನ್ನು ಪಡೆಯಲಾಗಿದೆ)

ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು, ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ, ಪ್ರಕ್ರಿಯೆಗೊಳಪಡಿಸುವ ಮತ್ತು ಅಂಗೀಕರಿಸುವ ಕಾರ್ಯವಿಧಾನವನ್ನು ಸರಳಗೊಳಿಸುವ ಮೂಲಕ ಸರಕುಗಳ ಮತ್ತು ಸೇವೆಗಳ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವುದಾಗಿ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಷಯಗಳಿಗಾಗಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಲು ಒಂದು ಅಧಿನಿಯಮ.

ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ, ಪ್ರಕ್ರಿಯೆಗೊಳಪಡಿಸುವ ಮತ್ತು ಅಂಗೀಕರಿಸುವ ಕಾರ್ಯವಿಧಾನವನ್ನು ಸರಳಗೊಳಿಸುವ ಮೂಲಕ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು ಸರಕುಗಳ ಮತ್ತು ಸೇವೆಗಳ ಸಂಗ್ರಹಣಾ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಪಾರದರ್ಶಕಗೊಳಿಸುವುದು ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಯುಕ್ತವಾಗಿರುವುದರಿಂದ;

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಐವತ್ತನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲೀ;

ಅಧ್ಯಾಯ - 1

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ:- (ಎ) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು 2000ದ ಅಕ್ಟೋಬರ್ ನಾಲ್ಕನೇ ದಿನಾಂಕದಿಂದ ಜಾರಿಗೆ ಬಂದಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

2. ಪರಿಭಾಷೆಗಳು: ಈ ನಿಯಮಗಳಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು.

(ಎ) “ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳು” ಎಂದರೆ, ಉಕ್ಕಿನ ರಚನೆಗಳ ನಿರ್ಮಾಣ ಮತ್ತು ಎಲ್ಲಾ ಇತರ ಸಿವಿಲ್ ಕಾಮಗಾರಿಗಳು ಸೇರಿದಂತೆ, ಕಟ್ಟಡಗಳ ರಸ್ತೆಗಳ, ಸೇತುವೆಗಳ ಅಥವಾ ಇತರ ರಚನೆಗಳ ನಿರ್ಮಾಣ, ಕೆಡವಿ ಹಾಕುವುದು, ದುರಸ್ತಿ ಅಥವಾ ಜೀರ್ಣೋದ್ಧಾರ;

(ಬಿ) “ಸರಕುಗಳು” ಎಂದರೆ, ಸಾರ್ವಜನಿಕ ಸಂಸ್ಥೆಗೆ ಅದರ ಸಾರ್ವಜನಿಕ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಬಳಕೆ, ಉಪಯೋಗ ಅಥವಾ ವಿತರಣೆಗಾಗಿ ಅಗತ್ಯವಾದ ಯಂತ್ರೋಪಕರಣಗಳು, ಮೋಟಾರು ವಾಹನಗಳು, ಸಲಕರಣೆಗಳು, ಪೀಠೋಪಕರಣಗಳು, ಲೇಖನ ಸಾಮಗ್ರಿಗಳು, ಜವಳಿ ಕಚ್ಚಾ ಸಾಮಗ್ರಿಗಳು, ಔಷಧ ವಸ್ತುಗಳು, ವೈಜ್ಞಾನಿಕ ಉಪಕರಣಗಳು, ರಾಸಾಯನಿಕಗಳು, ಆಹಾರ ಧಾನ್ಯಗಳು, ಎಣ್ಣೆ ಹಾಗೂ ಎಣ್ಣೆ ಬೀಜಗಳು ಅಥವಾ ಇತರ ವ್ಯಾಪಾರ ಸರಕುಗಳು;

(ಸಿ) “ಸರ್ಕಾರ” ಎಂದರೆ, ರಾಜ್ಯ ಸರ್ಕಾರ;

(ಡಿ) “ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆ” ಎಂದರೆ, ಯಾವುದೇ ಸರ್ಕಾರಿ ಇಲಾಖೆ, ಒಂದು ರಾಜ್ಯ ಸರ್ಕಾರಿ ಉದ್ಯಮ, ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಯಾವುದೇ ಕಾನೂನಿನ ಮೂಲಕ ಅಥವಾ ಅಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿತವಾದ ಮತ್ತು ಸರ್ಕಾರದ

ಸ್ವಾಮ್ಯದಲ್ಲಿರುವ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಮಂಡಳಿ, ನಿಕಾಯ ಅಥವಾ ನಿಗಮ ಮತ್ತು ಸರ್ಕಾರದ ಸ್ವಾಮ್ಯದಲ್ಲಿರುವ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಮತ್ತು ಅದು ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದ ಯಾವುದೇ ಇತರ ನಿಕಾಯ ಅಥವಾ ಪ್ರಾಧಿಕಾರ;

(ಇ) “ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆ” ಅಥವಾ “ಸಂಗ್ರಹಣೆ” ಎಂದರೆ, ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು ಮಾಡುವ ಸರಕುಗಳ ಖರೀದಿ, ಪಡೆದುಕೊಳ್ಳುವ ಸೇವೆಗಳು ಅಥವಾ ನಿರ್ವಹಿಸುವ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳು;

(ಎಫ್) “ಸೇವೆಗಳು” ಎಂದರೆ, ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಸಾರ್ವಜನಿಕ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಅದಕ್ಕೆ ಸೇವೆ ಸಲ್ಲಿಸುವ, ಅದರ ಸೇವೆಯಲ್ಲಿ ನಿರತವಾಗಿರುವ, ಅದಕ್ಕೆ ಸಹಾಯ ಮಾಡುವ ಅಥವಾ ಪ್ರಯೋಜನವಾಗುವಂತೆ ಮಾಡುವ ಕಾರ್ಯ ಮತ್ತು ಇವುಗಳಲ್ಲಿ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳೂ ಒಳಗೊಳ್ಳುತ್ತವೆ.

(ಜಿ) “ನಿರ್ದಿಷ್ಟ ಸರಕುಗಳು ಅಥವಾ ಸೇವೆಗಳು” ಎಂದರೆ, ಟೆಂಡರಿನಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಮತ್ತು ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಪರವಾಗಿ ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸಿರುವುದರಿಂದಾಗಿ ಕರಾರಿನಲ್ಲಿ ಗುರುತಿಸಲಾದ, ಸಂದರ್ಭಾನುಸಾರ ಸರಕುಗಳು ಅಥವಾ ಸೇವೆಗಳು;

(ಹೆಚ್) “ಟೆಂಡರ್” ಎಂದರೆ, ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ನಲ್ಲಿ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸಿ ಪ್ರಕಟಿಸಿದುದಕ್ಕೆ ಉತ್ತರವಾಗಿ ಸರಕುಗಳ ಸರಬರಾಜು ಅಥವಾ ಸೇವೆಗಾಗಿ ಮಾಡಿದ ವಾಡಿಕೆಯ ಬೆಲೆ ಹೇಳುವಿಕೆ;

(ಐ) “ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರ” ಎಂದರೆ, ಟೆಂಡರನ್ನು ಅಂಗೀಕರಿಸುವುದಕ್ಕಾಗಿ ನೇಮಕಗೊಂಡ ಒಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಒಂದು ಸಮಿತಿ ಮತ್ತು “ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರ” ಎಂದರೆ, ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸಲು 9ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ನೇಮಕಗೊಂಡ ಒಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಒಂದು ಸಮಿತಿ;

(ಜೆ) “ಟೆಂಡರ್ ಬುಲೆಟಿನ್” ಎಂದರೆ, ಇಡೀ ರಾಜ್ಯಕ್ಕಾಗಿ ಅಥವಾ ರಾಜ್ಯದೊಳಗಿನ ಯಾವುದೇ ಜಿಲ್ಲೆ ಅಥವಾ ಜಿಲ್ಲೆಗಳಿಗಾಗಿ ಪ್ರಕಟಿಸಲಾದ, ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ, ಪ್ರಕ್ರಿಯೆಗೊಳಪಡಿಸುವ ಮತ್ತು ಅಂಗೀಕರಿಸುವ ವಿವರಗಳನ್ನು ಒಳಗೊಂಡ ಒಂದು ಬುಲೆಟಿನ್;

(ಕೆ) “ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿ” ಎಂದರೆ, ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿ ಅಥವಾ 7ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಉಲ್ಲೇಖಿಸಲಾದ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿ;

(2) ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನ ಅಧಿಕಾರಿಯು ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನ ಸಾಕಷ್ಟು ಪ್ರತಿಗಳು, ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟಿಸನ್ನು ಮತ್ತು ಟೆಂಡರ್ ಅಂಗೀಕಾರದ ತಿಳುವಳಿಕೆಯನ್ನು ಪ್ರಕಟಿಸುವ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

(3) ನಿಗದಿಪಡಿಸಿದ ವಾರ್ಷಿಕ, ಅರ್ಧವಾರ್ಷಿಕ ಅಥವಾ ತ್ರೈಮಾಸಿಕ ಶುಲ್ಕವನ್ನು ಪಾವತಿ ಮಾಡಿ ಯಾರೇ ವ್ಯಕ್ತಿ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ಸಂಸ್ಥೆಯು ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿಗೆ ನಿಯತ ಚಂದಾದಾರರಾಗಿ ಸೇರಿಸಿಕೊಳ್ಳಬಹುದು.

6. ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಮಾಹಿತಿ ಮಾತ್ರ ಒಳಗೊಂಡಿರುವುದು : (1) ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟಿಸಿನ ಮಾಹಿತಿ ಮಾತ್ರ ಒಳಗೊಂಡಿರತಕ್ಕದ್ದು.

(2) ಟೆಂಡರ್‌ನ್ನು ಅಂಗೀಕರಿಸಿದ ಬಗೆಗಿನ ತಿಳುವಳಿಕೆಯು ತನ್ನಷ್ಟಕ್ಕೆ ಕಾನೂನು ಸಮ್ಮತ ಹಕ್ಕನ್ನು ಸೃಜಿಸತಕ್ಕದ್ದಲ್ಲ.

(3) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟಿಸನ್ನು ವಾರ್ತಾಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟಣೆ ಮಾಡಿಲ್ಲ ಎಂಬ ಒಂದೇ ಕಾರಣದಿಂದ ಆ ನೋಟಿಸು ಅಸಿಂಧುವಾಗುವುದಿಲ್ಲ.

7. ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಮಾಹಿತಿ:- ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟಿಸು ಮತ್ತು ಟೆಂಡರುಗಳ ಮೇಲಿನ ತೀರ್ಮಾನಗಳನ್ನು -

(ಎ) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಿಯು ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ ಅಥವಾ ಸರ್ಕಾರಿ ಇಲಾಖೆಯ ಮುಖ್ಯಸ್ಥ ಅಥವಾ ಸಾರ್ವಜನಿಕ ವಲಯ ಉದ್ಯಮ ಶಾಸನಬದ್ಧ ಮಂಡಳಿ, ಅಪೆಕ್ಸ್ ಸಹಕಾರ ಸಂಸ್ಥೆ, ವಿಶ್ವವಿದ್ಯಾಲಯ ಅಥವಾ ಸರ್ಕಾರವು ರಚಿಸಿದ ರಾಜ್ಯ ಮಟ್ಟದ ಸಂಘದ ಮುಖ್ಯ ನಿರ್ವಾಹಕರು ಆಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ,

(ಬಿ) ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವು ಒಂದು ಕೋಟಿ ರೂಪಾಯಿಗಳು ಅಥವಾ ಅದಕ್ಕೆ ಹೆಚ್ಚಾಗಿ ಸಂದರ್ಭದಲ್ಲಿ

ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

8. ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕಾದ ಮಾಹಿತಿ:- 10ನೇ ನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಒಳಪಟ್ಟು, ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸು ಮತ್ತು ಟೆಂಡರುಗಳ ಮೇಲಿನ ತೀರ್ಮಾನಗಳನ್ನು ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರದ ಕೇಂದ್ರ ಸ್ಥಾನವು ಇರುವ ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾ ಟೆಂಡರು ಬುಲೆಟಿನ್ನಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

(ಎಲ್) “ಟೆಂಡರ್ ದಾಸ್ತಾವೇಜು” ಎಂದರೆ, ಕಾಮಗಾರಿಗಳ ವೇಳಾಪಟ್ಟಿಯನ್ನು ವಿವರಿಸುವ ಕಾಗದಪತ್ರಗಳು, ಘಟನೆಗಳ ಕಾಲಕ್ರಮ ಪಟ್ಟಿ, ಸರಕುಗಳು ಮತ್ತು ಸೇವೆಗಳ ಅಗತ್ಯತೆ, ತಾಂತ್ರಿಕ ನಿರ್ದಿಷ್ಟ ವಿವರಣೆಗಳು, ಸಂಗ್ರಹಣಾ ಮಾನದಂಡಗಳು ಮತ್ತು ಟೆಂಡರುಗಳ ಮೌಲ್ಯ ಮಾಪನ ಮತ್ತು ತುಲನೆಗಾಗಿ ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಇತರ ವಿವರಗಳು.

3. ಉಪಬಂಧಗಳು ಕೆಲವು ಯೋಜನೆಗಳಿಗೆ ಅನ್ವಯವಾಗದಿರುವುದು:- ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು, ಅಂತರ್‌ರಾಷ್ಟ್ರೀಯ ಹಣಕಾಸು ಸಂಸ್ಥೆಗಳಿಂದ ಹಣಕಾಸನ್ನು ಪಡೆಯುವ ಯೋಜನೆಗಳ ಅಥವಾ ಅಂತರ್‌ರಾಷ್ಟ್ರೀಯ ಒಪ್ಪಂದಗಳ ಅಡಿಯಲ್ಲಿ ಬರುವ ಯೋಜನೆಗಳ ಸಂಬಂಧದಲ್ಲಿ ನಿರ್ದಿಷ್ಟಪಡಿಸಲಾದ ಕಾರ್ಯವಿಧಾನಕ್ಕೆ ಅಸಂಗತವಾಗಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು, ಅಂಥ ಯೋಜನೆಗಳಿಗಾಗಿನ ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ಸಂಗ್ರಹಣೆಗೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

4. ಅನ್ವಯಿಸುವಿಕೆಗೆ ಅಪವಾದಗಳು : ಅಧ್ಯಾಯ 11ರ ಉಪಬಂಧಗಳು : -

(ಎ) ಪ್ರಕೃತಿ ವಿಕೋಪಗಳ ಅಥವಾ ಸರ್ಕಾರವು ಘೋಷಿಸಿದ ತುರ್ತುಪರಿಸ್ಥಿತಿಯ ಅವಧಿಯಲ್ಲಿ;

(ಬಿ) ಸರಕುಗಳು ಅಥವಾ ಸೇವೆಗಳು ಏಕೈಕ ಮೂಲದಿಂದ ಲಭ್ಯವಾಗುತ್ತಿದ್ದಲ್ಲಿ ಅಥವಾ ಒಬ್ಬ ನಿರ್ದಿಷ್ಟ ಸರಬರಾಜುದಾರನು ಅಥವಾ ಕರಾರುದಾರನು, ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ಅಥವಾನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳ ಸಂಬಂಧದಲ್ಲಿ ಸಂಪೂರ್ಣ ಹಕ್ಕುಗಳನ್ನು ಹೊಂದಿದ್ದಲ್ಲಿ ಮತ್ತು ಸೂಕ್ತ ಪರ್ಯಾಯಗಳು ಅಥವಾ ಬದಲಿ ವ್ಯವಸ್ಥೆಗಳು ಇರದಿದ್ದಲ್ಲಿ;

ಪರಂತು, ಈ ಖಂಡದ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಒಬ್ಬರು ತಾಂತ್ರಿಕ ಪ್ರತಿನಿಧಿ, ಅದೇ ಬಗೆಯ ಸಂಗ್ರಹಣಾ ಕಾರ್ಯವನ್ನು ನಡೆಸುತ್ತಿರುವ ಸರ್ಕಾರಿ ಸಂಸ್ಥೆಯ ಒಬ್ಬರು ತಾಂತ್ರಿಕ ಪ್ರತಿನಿಧಿ ಮತ್ತು ಸರಕುಗಳು ಅಥವಾ ಸೇವೆಗಳು ಏಕೈಕ ಮೂಲದಿಂದ ಲಭ್ಯವಾಗುತ್ತವೆ ಎಂಬುದನ್ನು ಪರೀಕ್ಷಿಸುವುದಕ್ಕೆ ಮತ್ತು ಘೋಷಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಂಥ ಕ್ಷೇತ್ರದಲ್ಲಿ ಅನುಭವ ಹೊಂದಿರುವ, ಒಂದು ಪ್ರಸಿದ್ಧವಾದ ಶೈಕ್ಷಣಿಕ ಅಥವಾ ಸಂಶೋಧನಾ ಸಂಸ್ಥೆ ಅಥವಾ ವಾಣಿಜ್ಯೀತರ ಸಂಸ್ಥೆಯ ಒಬ್ಬರು ಪ್ರತಿನಿಧಿ, ಇವರನ್ನೊಳಗೊಂಡ ಮೂವರು ತಜ್ಞರು ಇರುವ ಸಮಿತಿಯೊಂದು ಇರತಕ್ಕದ್ದು.

(ಸಿ) ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು, ಸರಬರಾಜುದಾರನಿಂದ ಅಥವಾ ಕರಾರುದಾರನಿಂದ ಸರಕುಗಳನ್ನು, ಸೇವೆಯನ್ನು ಅಥವಾ ತಂತ್ರಜ್ಞಾನವನ್ನು ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಂಡಿರುವಲ್ಲಿ, ಈಗ ಸಂಗ್ರಹಿಸಿರುವ ಸರಕುಗಳು, ಸೇವೆಗಳು ಅಥವಾ ತಂತ್ರಜ್ಞಾನದ ಉತ್ಕೃಷ್ಟತೆ ಮತ್ತು ಯುಕ್ತತೆಯ ಕಾರಣಗಳಿಗಾಗಿ ಅದೇ ಸರಬರಾಜುದಾರ ಅಥವಾ ಕರಾರುದಾರನಿಂದ ಹೆಚ್ಚುವರಿ ಸರಬರಾಜುಗಳನ್ನು ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ನಿರ್ಧರಿಸಿದಲ್ಲಿ;

(ಡಿ) ಸರಕುಗಳು ಅಥವಾ ಸೇವೆಗಳನ್ನು, ನಿರ್ದಿಷ್ಟ ಸರ್ಕಾರದ ಇಲಾಖೆಗಳಿಂದ, ಸಾರ್ವಜನಿಕವಲಯ ಉದ್ಯಮಗಳಿಂದ, ಶಾಸನಬದ್ಧ ನಿಕಾಯಗಳಿಂದ, ಮಂಡಲಿಗಳಿಂದ ಮತ್ತು ಸರ್ಕಾರವು ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಅಂಥ ಇತರ ಸಂಸ್ಥೆಗಳಿಂದ ಸಂಗ್ರಹಣಾ ಮಾಡಿಕೊಳ್ಳಲಾಗಿದ್ದಲ್ಲಿ ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಿಂದ ಎರಡು ವರ್ಷಗಳಿಗೆ ಮೀರದ ಅವಧಿಗಾಗಿ ಅಂಥ ಸರಕುಗಳನ್ನು ಉತ್ಪಾದಿಸಲಾಗಿದ್ದಲ್ಲಿ ಅಥವಾ ಸೇವೆಗಳನ್ನು ಒದಗಿಸಲಾಗಿದ್ದಲ್ಲಿ;

(ಇ) ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾದ ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ಮೌಲ್ಯವು,

(i) ಸರ್ಕಾರದ ಇಲಾಖೆಗಳ ಮೂಲಕವಾಗಿದ್ದರೆ, ಐದು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ
(ii) ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರವು, ಕಿರು ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯ ಅನುಷ್ಠಾನದ ಅಥವಾ ಶಾಲಾ ಕೊಠಡಿಗಳ ನಿರ್ಮಾಣದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಳ್ಳಬೇಕಾದ ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ಮೌಲ್ಯವು, ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಇತರ ಉದ್ದೇಶಗಳಿಗೆ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಯನ್ನು ಮೀರತಕ್ಕದ್ದಲ್ಲ.

ವಿವರಣೆ: ಈ ಖಂಡದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸ್ಥಳೀಯ ಪ್ರಾಧಿಕಾರ ಎಂಬುದರಲ್ಲಿ ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ, ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗಳು ಮತ್ತು ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಗಳು; ಕರ್ನಾಟಕ ಪೌರ ನಿಗಮಗಳ ಅಧಿನಿಯಮ, 1976ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಮುನ್ಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳು ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯತಿಗಳು; ಕರ್ನಾಟಕ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳ ಅಧಿನಿಯಮ, 1987ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳು; ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1993 ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಹೈದರಾಬಾದ್ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಲಿ; ಮಲ್ಲಾಡು ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1991ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಮಲ್ಲಾಡು ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ; ಬಯಲು ಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1994ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಬಯಲುಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ - ಇವು ಒಳಗೊಳ್ಳುತ್ತವೆ.

(ಎಫ್) ಸರಬರಾಜು ಮತ್ತು ವಿಲೇವಾರಿಗಳ ಮಹಾನಿರ್ದೇಶಕರಿಂದ ಅಥವಾ ರಾಜ್ಯದ ಸರಕು ಖರೀದಿ ಇಲಾಖೆಯಿಂದ ಸರಕುಗಳನ್ನು ಅಥವಾ ಸೇವೆಗಳನ್ನು ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಳ್ಳಲಾಗಿದ್ದಲ್ಲಿ;

(ಜಿ) ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಅಧಿಸೂಚಿಸಬಹುದಾದಂತೆ ನಿರ್ದಿಷ್ಟ ಸಂಗ್ರಹಣೆಗಳ ಸಂಬಂಧದಲ್ಲಿ; ಮತ್ತು

(ಹೆಚ್) ಸ್ಟಿನ್ನಿಂಗ್ ಮಿಲ್ಲುಗಳು ಸ್ಥಳದಲ್ಲಿಯೇ ಮಾಡುವ ಹತ್ತಿಯ ಖರೀದಿ, ಕರ್ನಾಟಕ ಕೃಷಿ ಕೈಗಾರಿಕಾ ನಿಗಮದಿಂದ ಅಥವಾ ಸಹಕಾರಿ ಎಣ್ಣೆ ಕಾಳು ಬೆಳೆಗಾರರ ಒಕ್ಕೂಟದಿಂದ ಎಣ್ಣೆ ಕಾಳುಗಳ ಖರೀದಿ, ಸಕ್ಕರೆ ಕಾರ್ಖಾನೆಯಿಂದ ಕಬ್ಬು ಖರೀದಿ, ಕೃಷಿ ಉತ್ಪನ್ನ ಮಾರುಕಟ್ಟೆ ಸಮಿತಿಗಳಿಂದ ಹಾಗೂ ಕರ್ನಾಟಕ ಆಹಾರ ಮತ್ತು ಸಿವಿಲ್ ಸರಬರಾಜುಗಳ ನಿಗಮದಿಂದ ಭತ್ತದ ನೇರ ಖರೀದಿ, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮದಿಂದ ಬಟ್ಟೆಗಳ ಖರೀದಿ, ಕರ್ನಾಟಕ ರೇಷ್ಮೆ ಕೈಗಾರಿಕಾ ನಿಗಮದಿಂದ ರೇಷ್ಮೆ ಖರೀದಿ, ಕರ್ನಾಟಕ ಹಾಲು ಉತ್ಪಾದಕರ ಸಹಕಾರಿ ಒಕ್ಕೂಟದಿಂದ ಹಾಲು ಖರೀದಿ, ಕರ್ನಾಟಕ ಆಹಾರ ಮತ್ತು ಸಿವಿಲ್ ಸರಬರಾಜುಗಳ ನಿಗಮ ಮತ್ತು ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಎಣ್ಣೆಕಾಳು ಬೆಳೆಗಾರರ ಒಕ್ಕೂಟದಿಂದ ತಾಳಿಎಣ್ಣೆ ಖರೀದಿ, ಸರ್ಕಾರದ ಇಲಾಖೆಗಳು ಮತ್ತು ಸಾರ್ವಜನಿಕ ವಲಯ ಉದ್ಯಮಗಳು ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮದಿಂದ ಮಾಡುವ ಬಟ್ಟೆಗಳ ಖರೀದಿ ಮತ್ತು ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಅಧಿಸೂಚಿಸಬಹುದಾದ ಅಂಥ ಇತರ ಸಂಸ್ಥೆಗಳಿಂದ ಖರೀದಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ಸರಕಿನ ಖರೀದಿ ಇವುಗಳ ಸಂಬಂಧದಲ್ಲಿ,

- ಸರಕುಗಳ ಮತ್ತು ಸೇವೆಗಳ ಸಂಗ್ರಹಣೆಗೆ ಅನ್ವಯವಾಗತಕ್ಕದ್ದಲ್ಲ.

ಅಧ್ಯಾಯ - II

ಸಂಗ್ರಹಣದ ನಿಯಂತ್ರಣ

5. ಟೆಂಡರ್ ಮೂಲಕವಲ್ಲದ ಇತರ ಸಂಗ್ರಹಣದ ನಿಷೇಧ :- ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ದಿನಾಂಕದಂದು ಮತ್ತು ದಿನಾಂಕದಿಂದ ಯಾವುದೇ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ಮೂಲಕವಲ್ಲವೆ ಸರಬರಾಜಿಗಾಗಿ ಸರಕುಗಳನ್ನು ಅಥವಾ ಸೇವೆಗಳನ್ನು ಸಂಗ್ರಹಣೆ ಮಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ.

6. ಸಂಗ್ರಹಣ ಸಂಸ್ಥೆಗಳು ಕಾರ್ಯವಿಧಾನವನ್ನು ಅನುಸರಿಸುವುದು :- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅಥವಾ ಇದರಡಿ ರಚಿಸಿದ ನಿಯಮಗಳಲ್ಲಿ ನಿರೂಪಿಸಲಾದ ಕಾರ್ಯ ವಿಧಾನಕ್ಕನುಸಾರವಾಗಿಯಲ್ಲದೆ ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭದ ತರುವಾಯ ಒಂದು ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಯಾವುದೇ ಟೆಂಡರನ್ನು ಆಹ್ವಾನಿಸತಕ್ಕದ್ದಲ್ಲ, ಪ್ರಕ್ರಿಯೆಗೊಳಪಡಿಸತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಅಂಗೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ.

7. ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗಳು :- (1) ಒಂದು ಇಲಾಖೆಯ ಸಂಗ್ರಹಣೆಯು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜಿಲ್ಲೆಗಳಿಗೆ ಸಂಬಂಧಪಡುತ್ತಿದ್ದರೆ, ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ, ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯ ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ ಹುದ್ದೆಗೆ ಕಡಿಮೆಯಲ್ಲದ ಒಬ್ಬ ಅಧಿಕಾರಿಯನ್ನು ಆ ಇಲಾಖೆಯ ಸಂಬಂಧದಲ್ಲಿ, ರಾಜ್ಯಕ್ಕಾಗಿ ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯಾಗಿ ನೇಮಕ ಮಾಡಬಹುದು.

(2) ಜಿಲ್ಲೆಯ ಜಿಲ್ಲಾಧಿಕಾರಿಯು ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

8. ಟೆಂಡರ್ ಬುಲೆಟಿನ್ನಿನ ಪ್ರಕಟಣೆ :- (1) ಸಂದರ್ಭಾನುಸಾರವಾಗಿ, ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿ ಅಥವಾ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯು, ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರದಿಂದ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ

ನೋಟೀಸಿಗೆ ಸಂಬಂಧಪಟ್ಟ ತಿಳುವಳಿಕೆಯನ್ನು ಅಥವಾ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರದಿಂದ 13ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಟೆಂಡರ್ ಅಂಗೀಕಾರಕ್ಕೆ ಅಥವಾ 14ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಟೆಂಡರಿನ ತಿರಸ್ಕರಣೆಯ ವಿವರಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಮಾಹಿತಿಯನ್ನು ಸ್ವೀಕರಿಸಿದ ತರುವಾಯ, ನಿಯಮಿಸಲಾದ ಅವಧಿಯ ಒಳಗೆ, ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ನ್ನು ಅಥವಾ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ನ್ನು ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

(2) ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ನ್ನು, ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯ ಕಛೇರಿಯಲ್ಲಿ ಹಾಗೂ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಯು, ಅದು ಲಭ್ಯವಾಗುವಂತೆ ಮಾಡಲು ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವ ಅಂಥ ಇತರ ಸ್ಥಳಗಳಲ್ಲಿ ಮಾರಾಟಕ್ಕಾಗಿ ಲಭ್ಯವಾಗುವಂತೆ ಮಾಡತಕ್ಕದ್ದು.

9. ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರ ಮತ್ತು ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರ :- ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಆದೇಶದ ಮೂಲಕ :-

(i) ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶ, ನಿರ್ದಿಷ್ಟ ಸಂಗ್ರಹಣೆ ಅಥವಾ ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ನಿರ್ದಿಷ್ಟ ವರ್ಗಕ್ಕಾಗಿ ಒಬ್ಬ ಅಥವಾ ಹೆಚ್ಚು ಅಧಿಕಾರಿಗಳನ್ನು ಅಥವಾ ಅಧಿಕಾರಿಗಳ ಒಂದು ಸಮಿತಿಯನ್ನು ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವಾಗಿ, ಮತ್ತು

(ii) ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಪ್ರದೇಶ, ನಿರ್ದಿಷ್ಟ ಸಂಗ್ರಹಣೆ ಅಥವಾ ಸರಕುಗಳ ಅಥವಾ ಸೇವೆಗಳ ನಿರ್ದಿಷ್ಟ ವರ್ಗಕ್ಕಾಗಿ ಒಬ್ಬ ಅಥವಾ ಹೆಚ್ಚು ಅಧಿಕಾರಿಗಳನ್ನು ಅಥವಾ ಅಧಿಕಾರಿಗಳ ಒಂದು ಸಮಿತಿಯನ್ನು ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವಾಗಿ

- ನೇಮಕ ಮಾಡಬಹುದು:

ಪರಂತು, ಟೆಂಡರುಗಳನ್ನು ಅಂಗೀಕರಿಸುವ ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಯಾವುದೇ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗೆ ಬಹುಸದಸ್ಯರ ಸಮಿತಿಯೊಂದನ್ನು ಈಗಾಗಲೇ ನೇಮಕ ಮಾಡಿದ್ದರೆ, ಅಂಥ ಸಮಿತಿಯನ್ನು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ನೇಮಕ ಮಾಡಲಾದ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರ ಎಂಬುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

10. ಟೆಂಡರ್ ಪರಿಶೀಲನಾ ಸಮಿತಿ :- ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು ಸರ್ಕಾರದ ಲೋಕೋಪಯೋಗಿ ಕಾಮಗಾರಿಗಳ, ನೀರಾವರಿ ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆಗಳ ಸಂದರ್ಭದಲ್ಲಿ ಐದು ಕೋಟಿ ರೂಪಾಯಿಗಳನ್ನೂ ಮೀರಿದ ಟೆಂಡರುಗಳನ್ನು ಮತ್ತು ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಒಂದು ಕೋಟಿ ರೂಪಾಯಿಗಳನ್ನು ಮೀರಿದ ಟೆಂಡರುಗಳನ್ನು ಪರಿಶೀಲಿಸಲು ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದ ಅಂಥ ವ್ಯಕ್ತಿಗಳನ್ನು ಒಳಗೊಂಡ ಒಂದು ಟೆಂಡರ್ ಪರಿಶೀಲನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸಬಹುದು.

11. ಟೆಂಡರ್‌ಗಳನ್ನು ತೆರೆಯುವುದು :- (1) ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು, ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರಕ್ಕಾಗಲಿ ಅಥವಾ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಕ್ಕಾಗಲಿ ಅಥವಾ ಯಾವೊಬ್ಬ ಇತರ ಅಧಿಕಾರಿಗಾಗಲಿ, ಟೆಂಡರ್ ತೆರೆಯಲು ಮತ್ತು ಪ್ರತಿಯೊಂದು ಪ್ರಕರಣದಲ್ಲಿ, ಟೆಂಡರ್ ಆಹ್ವಾನಿಸಿದ ನೋಟೀಸಿಗೆ ಉತ್ತರಿಸಿದ ಟೆಂಡರ್‌ದಾರರ ಒಂದು ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಲು ಅಧಿಕಾರ ನೀಡಬಹುದು.

(2) ಪ್ರಾಧಿಕಾರ ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ (1)ನೇ ಉಪ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಅಧಿಕಾರಿಯು, ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಟೆಂಡರನ್ನು ತೆರೆಯತಕ್ಕದ್ದು, ಟೆಂಡರ್‌ದಾರರ ಒಂದು ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸತಕ್ಕದ್ದು ಮತ್ತು ತಾನೇ ಸ್ವತಃ ಟೆಂಡರ್ ಅಂಗೀಕಾರ ಪ್ರಾಧಿಕಾರವಾಗಿದ್ದ ಹೊರತು, ಟೆಂಡರ್‌ದಾರರ ಪಟ್ಟಿಯೊಂದಿಗೆ ಆ ಟೆಂಡರ್‌ಗಳನ್ನು, ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

12. ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರದ ಕರ್ತವ್ಯಗಳು:- (1) ಈ ಮುಂದಿನವುಗಳು, ಪ್ರತಿಯೊಂದು ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರದ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು,-

(ಎ) ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಆಜ್ಞೆಯಂತೆ, ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಹೊರಡಿಸುವುದು;

(ಬಿ) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ಜಾರಿಗೊಳಿಸಿದ ತರುವಾಯ ತತ್ಕ್ಷಣವೇ ಅದರ ಪ್ರತಿಯೊಂದನ್ನು ಸಂಬಂಧಪಟ್ಟ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗೆ ಗುರುತು ಮಾಡುವ ಮೂಲಕ ನೋಟೀಸನ್ನು ಕಳುಹಿಸುವುದು,

(ಸಿ) ಟೆಂಡರ್‌ಗಳನ್ನು ಆಹ್ವಾನಿಸುವ ನೋಟೀಸನ್ನು ನಿಯಮಿಸಲಾದ ರೀತಿಯಲ್ಲಿ ಪ್ರಕಟಿಸುವಂತೆ ಮಾಡುವುದು; ಮತ್ತು

(ಡಿ) ದರಗಳ ಪಟ್ಟಿ ಮತ್ತು ಟೆಂಡರ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ಪಡೆಯಲು ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವ ಪ್ರತಿಯೊಬ್ಬ ಉದ್ದೇಶಿತ ಟೆಂಡರ್‌ದಾರನಿಗೆ, ಅಂಥ ದಸ್ತಾವೇಜುಗಳನ್ನು ಒದಗಿಸುವುದು.

(2) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೊರಡಿಸಲು ಅಗತ್ಯವಿರುವ ನೋಟೀಸುಗಳು, ಪತ್ರ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಪ್ರಕಟಣೆಗಳನ್ನು ನಿಯಮಿಸಬಹುದಾದಂತೆ ಅಂಥ ನಮೂನೆಯಲ್ಲಿ, ಅಂಥ ರೀತಿಯಲ್ಲಿ ಅಂಥ ವಿಧಾನದ ಮೂಲಕ ಮತ್ತು ಅಂಥ ಸಮಯ ಮತ್ತು ಅಂತರದಲ್ಲಿ ಹೊರಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯದ ಆಧಾರದ ಮೇಲೆ ವಿವಿಧ ಸಂಗ್ರಹಣೆಗಳಿಗಾಗಿ ಪ್ರಕಟಣೆಯ ವಿಧಾನವನ್ನು ಮತ್ತು ಕ್ರಮವನ್ನು ನಿಯಮಿಸಬಹುದು.

(3) ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ಪ್ರಾಧಿಕಾರವು, ಗೊತ್ತುಪಡಿಸಬಹುದಾದ ಸಮಯದೊಳಗೆ ಟೆಂಡರ್ ಆಹ್ವಾನಿಸುವ ನೋಟೀಸಿಗೆ ಉತ್ತರವಾಗಿ ಬರುವ ಎಲ್ಲಾ ವಿವರಗಳನ್ನು ಸಂಗ್ರಹಿಸತಕ್ಕದ್ದು ಮತ್ತು ಟೆಂಡರ್‌ನ್ನು ತೆರೆಯಲು ತಾನೇ ಸ್ವತಃ ಅಧಿಕಾರ ಹೊಂದಿದ್ದ ಹೊರತು, ಸ್ವೀಕರಿಸಿದ ಎಲ್ಲಾ ಟೆಂಡರ್‌ಗಳನ್ನು ಸಂಕಲಿಸತಕ್ಕದ್ದು ಮತ್ತು ಟೆಂಡರ್‌ಗಳನ್ನು ತೆರೆಯಲು ಅಧಿಕಾರ ಹೊಂದಿರುವ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಥವಾ ಅಧಿಕಾರಿಗೆ ರವಾನಿಸತಕ್ಕದ್ದು.

13. ಟೆಂಡರ್‌ಗಳ ಅಂಗೀಕಾರ:- ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು, ನಿಯಮಿಸಬಹುದಾದ ಅಂಥ ಕಾರ್ಯವಿಧಾನವನ್ನು ಅನುಸರಿಸಿದ ತರುವಾಯ ಟೆಂಡರ್‌ನ್ನು ಅಂಗೀಕರಿಸಿದ ಬಗ್ಗೆ ಆದೇಶವನ್ನು ಹೊರಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಟೆಂಡರ್‌ನ್ನು ಅಂಗೀಕರಿಸುವುದಕ್ಕೆ, ಸಂಬಂಧಿಸಿದ ಮಾಹಿತಿಯನ್ನು ತುಲನಾತ್ಮಕ ವಿಶ್ಲೇಷಣೆಯೊಂದಿಗೆ ಹಾಗೂ ಟೆಂಡರ್ ಅಂಗೀಕರಿಸಿದುದಕ್ಕೆ ಕಾರಣಗಳನ್ನು ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗೆ ಮತ್ತು ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು;

ಪರಂತು, ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು, ಟೆಂಡರ್ ಅಂಗೀಕಾರಕ್ಕೆ ಗೊತ್ತು ಮಾಡಿದ ದಿನಾಂಕದಿಂದ ಮುಂದಿನ ಆರು ತಿಂಗಳುಗಳ ಒಳಗೆ ನಿವೃತ್ತನಾಗಿರುವ ಒಬ್ಬನೇ ಅಧಿಕಾರಿಯನ್ನು ಒಳಗೊಂಡಿದ್ದರೆ ಅವನು, ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಪೂರ್ವಾನುಮೋದನೆಯನ್ನು ಪಡೆದ ತರುವಾಯವಲ್ಲದೆ, ಟೆಂಡರ್‌ನ್ನು ಅಂಗೀಕರಿಸುವ ಕಾರ್ಯದಲ್ಲಿ ತೊಡಗತಕ್ಕದ್ದಲ್ಲ.

ಮತ್ತು ಪರಂತು, ಕಾಲಕಾಲಕ್ಕೆ ಸರ್ಕಾರವು ಹೊರಡಿಸಬಹುದಾದ ಅಂಥ ಸಾಮಾನ್ಯ ಅಥವಾ ವಿಶೇಷ ಆದೇಶಗಳಿಗೆ ಒಳಪಟ್ಟು ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವ ಮೊದಲು ಕನಿಷ್ಠ ಟೆಂಡರ್‌ದಾರನೊಂದಿಗೆ ವ್ಯವಹರಿಸಬಹುದು.

14. ಟೆಂಡರ್‌ಗಳ ಸಾಮಾನ್ಯ ತಿರಸ್ಕರಣೆ :- (1) ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು, 13ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿ ಅಂಗೀಕರಿಸುವ ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸುವುದಕ್ಕೆ ಮೊದಲು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಸಂಗ್ರಹಣಾ ಕಾರ್ಯ ಅನಾವಶ್ಯಕ ಅಥವಾ ಅಸಾಧ್ಯವಾಗುವಂತೆ ಮಾಡುವ ಪ್ರಾಮುಖ್ಯತೆಯಲ್ಲಿ ಉಂಟಾಗುವ ಬಲಾವಣೆಗಳು, ನಿರೀಕ್ಷಿತ ಆರ್ಥಿಕ ಸಂಪನ್ಮೂಲಗಳು ಲಭ್ಯವಾಗದಿರುವುದು, ಅಪಘಾತಗಳು ಅಥವಾ ಆಪತ್ತುಗಳು ಅಥವಾ ನಿಯಮಿಸಬಹುದಾದ ಇತರ ಯಾವುದೇ ಕಾರಣಗಳಿಗಾಗಿ ಎಲ್ಲಾ ಟೆಂಡರ್‌ಗಳನ್ನು ತಿರಸ್ಕರಿಸಬಹುದು ಮತ್ತು ಆ ಬಗ್ಗೆ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗೆ ವರದಿ ಮಾಡತಕ್ಕದ್ದು.

(2) ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು, ತದನಂತರ, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ತಿರಸ್ಕರಣೆಯ ವಿಷಯವನ್ನು ಎಲ್ಲಾ ಟೆಂಡರ್‌ದಾರರಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು ಮತ್ತು ಅದನ್ನು ಟೆಂಡರ್ ಬುಲೆಟಿನಿನಲ್ಲಿ ಸಹ ಪ್ರಕಟಿಸತಕ್ಕದ್ದು.

15. ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಲು ಅಧಿಕಾರ:- ಸಂಗ್ರಹಣಾ ಕಾರ್ಯವಿಧಾನ ಯಾವುದೇ ಹಂತದಲ್ಲಿ ಪಾರದರ್ಶಕತೆಯನ್ನು ಹೊಂದಲು ಮತ್ತು ನಿರ್ವಹಿಸಲು ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗೆ ಅಥವಾ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸೂಕ್ತ ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಲು ಸರ್ಕಾರವು ಸಕ್ಷಮವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ನಿರ್ದೇಶನಗಳನ್ನು ಪಾಲಿಸುವುದು ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯ ಅಥವಾ ಅಂಥ ಪ್ರಾಧಿಕಾರದ ಕರ್ತವ್ಯವಾಗಿರತಕ್ಕದ್ದು.

16. ಅಪೀಲು :- (1) ಸರ್ಕಾರದ ಹೊರತಾಗಿ, ಟೆಂಡರ್ ಅಂಗೀಕರಿಸುವ ಪ್ರಾಧಿಕಾರವು 13ನೇ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಹೊರಡಿಸಿದ ಆದೇಶದಿಂದ ಬಾಧಿತನಾದ ಯಾವೊಬ್ಬ ಟೆಂಡರ್‌ದಾರನು ಆದೇಶವನ್ನು ನವೀಕರಿಸಿದ ಮೂವತ್ತು ದಿನಗಳ ಒಳಗೆ ಗೊತ್ತುಪಡಿಸಿದ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅಪೀಲು ಸಲ್ಲಿಸಬಹುದು:

ಪರಂತು, ಸೂಕ್ತ ಸಮಯದಲ್ಲಿ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸದಿರುವುದಕ್ಕೆ ಅಪೀಲುದಾರನಿಗೆ ಸಾಕಷ್ಟು ಕಾರಣಗಳಿದ್ದವು ಎಂಬ ಬಗ್ಗೆ ನಿಯಮಿಸಿದ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮನವರಿಕೆಯಾದಲ್ಲಿ ಅದು, ತನ್ನ ವಿವೇಚನೆಯಂತೆ, ಅಂಥ ಯಾವುದೇ ಅಪೀಲನ್ನು ಸಲ್ಲಿಸುವುದಕ್ಕಾಗಿ ಮೂವತ್ತು ದಿನಗಳನ್ನು ಮೀರದ ಮತ್ತಷ್ಟು ಸಮಯವನ್ನು ನೀಡಬಹುದು.

(2) ನಿಯಮಿಸಿದ ಪ್ರಾಧಿಕಾರವು ಉಭಯ ಪಕ್ಷಗಳ ಅಹವಾಲನ್ನು ಕೇಳಿದ ತರುವಾಯ, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸುವಂಥ ಆದೇಶವನ್ನು ಹೊರಡಿಸಬಹುದು ಮತ್ತು ಅಂಥ ಆದೇಶವು ಅಂತಿಮವಾಗಿರತಕ್ಕದ್ದು.

(3) ನಿಯಮಿಸಿದ ಪ್ರಾಧಿಕಾರವು ಸಾಧ್ಯವಾದಷ್ಟು ಮಟ್ಟಿಗೆ ಅಪೀಲನ್ನು ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕದಿಂದ, ಮೂವತ್ತು ದಿನಗಳೊಳಗಾಗಿ ಅದನ್ನು ವಿಲೇ ಮಾಡತಕ್ಕದ್ದು.

17. ಮಾಹಿತಿಯನ್ನು ಪಡೆಯುವ ಅಧಿಕಾರ:- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅಥವಾ ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಕಾನೂನಿನಲ್ಲಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದಾಗ್ಯೂ, ಪಾರದರ್ಶಕತೆಯನ್ನು ಸನಿಶ್ಚಿತಪಡಿಸಿಕೊಳ್ಳುವ ದೃಷ್ಟಿಯಿಂದ ಸರ್ಕಾರವು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರದಿಂದ ಸಂಗ್ರಹಣೆಯ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಯಾವುದೇ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಮಾಹಿತಿಯನ್ನು ತರಿಸಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ಪಡೆದುಕೊಳ್ಳಬಹುದು.

18. ದಾಖಲೆಗಳನ್ನು ತರಿಸಿಕೊಳ್ಳುವ ಅಧಿಕಾರ:- ಸರ್ಕಾರವು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ, ಸಂಗ್ರಹಣೆಯ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆಯನ್ನು ಸುನಿಶ್ಚಿತಗೊಳಿಸಿಕೊಳ್ಳುವ ದೃಷ್ಟಿಯಿಂದ, ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರವನ್ನು,-

(i) ಟೆಂಡರುಗಳನ್ನು ಆಹ್ವಾನಿಸುವುದಕ್ಕೆ, ಪ್ರಕ್ರಿಯೆಗೊಳಪಡಿಸುವುದಕ್ಕೆ ಮತ್ತು ಅಂಗೀಕರಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳನ್ನು ಹಾಜರು ಪಡಿಸುವಂತೆ;

(ii) ಅಂಥ ಟೆಂಡರ್‌ಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಟೆಂಡರ್ ದಸ್ತಾವೇಜು, ಅಂದಾಜುಗಳು, ತೇಖೆಗಳು, ಲೆಕ್ಕಪತ್ರಗಳು ಅಥವಾ ಅಂಕಿ ಅಂಶಗಳನ್ನು ಒದಗಿಸುವಂತೆ; ಮತ್ತು

(iii) ಸಂಗ್ರಹಣೆಗೆ ಅನುಷಂಗಿಕವಾದ ಯಾವುದೇ ನಿರ್ದಿಷ್ಟ ಅಂಶದ ಬಗ್ಗೆ ವರದಿಯನ್ನು ಒದಗಿಸುವಂತೆ ಕೋರಬಹುದು.

ಅಧ್ಯಾಯ - III

ಸಂಕೀರ್ಣ

19. ಅಧಿಕಾರಿಗಳನ್ನು ಲೋಕ ನೌಕರರು ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು :- ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿಸಲಾದ ನಿಯಮ, ಆದೇಶ ಅಥವಾ ಅಧಿಸೂಚನೆಯ ಉಪಬಂಧಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ಪ್ರತಿಯೊಬ್ಬ ಅಧಿಕಾರಿಯನ್ನು ಭಾರತ ದಂಡ ಸಂಹಿತೆ, 1860ರ (1860ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ XLV) 21ನೇ ಪ್ರಕರಣದ ಅರ್ಥವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಲೋಕನೌಕರರೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

20. ಸದ್ಭಾವನೆಯಿಂದ ಕೈಗೊಂಡ ಕ್ರಮಕ್ಕೆ ಪುನರಾವೇಶ:- ಸರ್ಕಾರದ ಅಥವಾ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಪ್ರಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಅಥವಾ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಲು ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರುವ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಪ್ರಾಧಿಕಾರದ ವಿರುದ್ಧ ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಸದ್ಭಾವನೆಯಿಂದ ಮಾಡಿದ ಅಥವಾ ಮಾಡಲು ಉದ್ದೇಶಿಸಿರುವ ಯಾವುದೇ ಕ್ರಮದ ಸಂಬಂಧದಲ್ಲಿ ದಾವೆ ಅಥವಾ ಇತರೆ ನ್ಯಾಯಿಕ ವ್ಯವಹಾರಗಳನ್ನು ಹೂಡತಕ್ಕದ್ದಲ್ಲ.

21. ನ್ಯಾಯಾಲಯಗಳ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಪುನರಾವೇಶ:- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಅನ್ಯಥಾ ಉಪಬಂಧಿಸಿದ ಹೊರತು, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳ ಅಡಿಯಲ್ಲಿ ಯಾವೊಬ್ಬ ಅಧಿಕಾರಿ ಅಥವಾ ಯಾವುದೇ ಪ್ರಾಧಿಕಾರವು ಹೊರಡಿಸಿದ ಆದೇಶವನ್ನು ಅಥವಾ ನಡೆಸಿದ ವ್ಯವಹಾರಗಳನ್ನು ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಶ್ನಿಸತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಅಂಥ ಅಧಿಕಾರಿಯು ಅಥವಾ ಪ್ರಾಧಿಕಾರವು, ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಆತನಿಗೆ ಅಥವಾ ಅದಕ್ಕೆ ಪ್ರದತ್ತವಾದ

ಅಧಿಕಾರಿಗಳನ್ನು ಚಲಾಯಿಸಿ ಕೈಗೊಂಡ ಅಥವಾ ಕೈಗೊಳ್ಳಲಿರುವ ಯಾವುದೇ ಕ್ರಮದ ಸಂಬಂಧದಲ್ಲಿ, ಯಾವುದೇ ನ್ಯಾಯಾಲಯವು ನಿರ್ಬಂಧಕಾಜ್ಞೆಯನ್ನು ಹೊರಡಿಸತಕ್ಕದ್ದಲ್ಲ.

22. ಅಧಿನಿಯಮವು ಇತರ ಕಾನೂನುಗಳ ಮೇಲೆ ಅಧ್ಯಾರೋಹಿ ಪ್ರಭಾವ ಹೊಂದಿರುವುದು :- ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳು, ತತ್ಕಾಲದಲ್ಲಿ ಜಾರಿಯಲ್ಲಿರುವ ಇತರ ಯಾವುದೇ ಕಾನೂನು ಅಥವಾ ಯಾವುದೇ ರೂಢಿ ಅಥವಾ ಆಚರಣೆ, ಒಪ್ಪಂದ ಒಂದು ನ್ಯಾಯಾಲಯದ ಅಥವಾ ನ್ಯಾಯಾಧಿಕರಣದ ಅಥವಾ ಇತರ ಪ್ರಾಧಿಕಾರದ ಡಿಕ್ರಿ ಅಥವಾ ಆದೇಶದಲ್ಲಿ ಅದಕ್ಕೆ ಅಸಂಗತವಾಗಿ ಏನೇ ಒಳಗೊಂಡಿದ್ದರೂ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು.

23. ದಂಡನೆ :- ಈ ಅಧಿನಿಯಮದ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ನಿಯಮಗಳ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, ಮೂರು ವರ್ಷಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಒಂದು ಅವಧಿಯ ಕಾರಾವಾಸದಿಂದ ಮತ್ತು ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

24. ತೊಂದರೆಗಳನ್ನು ನಿವಾರಿಸಲು ಅಧಿಕಾರ :- ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಜಾರಿಗೊಳಿಸುವಲ್ಲಿ ಯಾವುದೇ ತೊಂದರೆ ಉದ್ಭವಿಸಿದರೆ, ಸರ್ಕಾರವು ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಲಾದ ಆದೇಶದ ಮೂಲಕ ತೊಂದರೆಯನ್ನು ನಿವಾರಿಸಲು ಅಗತ್ಯವೆಂದು ಅಥವಾ ಯುಕ್ತವೆಂದು ಕಂಡುಬರುವ, ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅಸಂಗತವಾಗಿರದ ಅಂಥ ಉಪಬಂಧಗಳನ್ನು ರಚಿಸಬಹುದು:

ಪರಂತು, ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭ ದಿನಾಂಕದಿಂದ ಎರಡು ವರ್ಷಗಳ ಅವಧಿಯ ತರುವಾಯ ಅಂಥ ಯಾವುದೇ ಆದೇಶವನ್ನು ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

25. ನಿಯಮ ರಚನಾಧಿಕಾರ :- (1) ಸರ್ಕಾರವು, ಅಧಿಸೂಚನೆ ಮೂಲಕ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ನೆರವೇರಿಸಲು, ಅವಶ್ಯಕವಾದ ಅಂಥ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು ಅಥವಾ ಹೊರಡಿಸಿದ ಅಧಿಸೂಚನೆಯನ್ನು ಅಥವಾ ಆದೇಶವನ್ನು ಅದನ್ನು ರಚಿಸಿದ ಅಥವಾ ಹೊರಡಿಸಿದ ತರುವಾಯ ಆದಷ್ಟು ಬೇಗನೆ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ಮುಂದೆ, ಒಂದು ಅಧಿವೇಶನದಲ್ಲಿ ಅಥವಾ ಒಂದಾದಮೇಲೊಂದು ಬರುವ ಎರಡು ಅಥವಾ ಹೆಚ್ಚು ನಿರಂತರ ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕವಾಗಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗೆ ಅದು ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ ಮಂಡಿಸತಕ್ಕದ್ದು ಮತ್ತು ಯಾವ ಅಧಿವೇಶನದಲ್ಲಿ ಇದನ್ನು ಮಂಡಿಸಲಾಗಿದೆಯೋ ಆ ಅಧಿವೇಶನ ಅಥವಾ ನಿಕಟ ತರುವಾಯದ ಅಧಿವೇಶನಗಳು ಮುಗಿಯುವುದಕ್ಕೆ ಮುಂಚೆ, ಆ ನಿಯಮದಲ್ಲಿ ಅಥವಾ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಅಥವಾ ಆದೇಶದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಲು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ಆ ನಿಯಮವನ್ನು ಅಥವಾ ಅಧಿಸೂಚನೆಯನ್ನು ಅಥವಾ ಆದೇಶವನ್ನು ಮಾಡಕೂಡದೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ, ಆ ತರುವಾಯ ಆ ನಿಯಮದ ಅಥವಾ ಅಧಿಸೂಚನೆ ಅಥವಾ ಆದೇಶವು ಸಂದರ್ಭಾನುಸಾರ ಅಂಥ ಮಾರ್ಪಾಟಾದ ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗತಕ್ಕದ್ದಲ್ಲ, ಹಾಗಿದ್ದರೂ ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಆ ನಿಯಮದ ಅಥವಾ ಅಧಿಸೂಚನೆ ಅಥವಾ ಆದೇಶದ ಅಡಿಯಲ್ಲಿ ಹಿಂದೆ ಮಾಡಿದ ಯಾವುದೇ ಕೃತ್ಯದ ಸಿಂಧುತ್ವಕ್ಕೆ ಪ್ರತಿಕೂಲವಾಗಿತಕ್ಕದ್ದಲ್ಲ.

26. ಉಳಿಸುವಿಕೆಗಳು :- ಮೇಲಿನ ಯಾವ ವಿಷಯಗಳನ್ನು ಕಾರ್ಯ ರೂಪಕ್ಕೆ ತರುವುದಕ್ಕಾಗಿ ಈ ಅಧಿನಿಯಮವನ್ನು ಅಧಿನಿಯಮಿತಗೊಳಿಸಲಾಗಿದೆಯೋ ಆ ವಿಷಯಗಳಿಗೆ ಉಪಬಂಧ ಕಲ್ಪಿಸುವ ಅಥವಾ ಸಂಬಂಧಪಡುವ, ಈ ಅಧಿನಿಯಮದ ಪ್ರಾರಂಭಕ್ಕೆ ಮೊದಲು ರಚಿಸಲಾದ ಮತ್ತು ಹೊರಡಿಸಲಾದ ಮತ್ತು ಅಂಥ ದಿನಾಂಕದಂದು ಜಾರಿಯಲ್ಲಿದ್ದ, ಎಲ್ಲಾ ನಿಯಮಗಳು, ವಿನಿಯಮಗಳು, ಆದೇಶಗಳು, ಅಧಿಸೂಚನೆಗಳು, ಇಲಾಖಾ ಸಂಹಿತೆಗಳು, ಕೈಪಿಡಿಗಳು, ಉಪವಿಧಿಗಳು, ಅಧಿಕೃತ ಜ್ಞಾಪನಗಳು, ಸುತ್ತೋಲೆಗಳು ಅಥವಾ ಇತರೆ ಯಾವುದೇ ಆದೇಶಗಳು, ಅವು ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳಿಗೆ ಅಸಂಗತವಾಗದಿರುವಷ್ಟರಮಟ್ಟಿಗೆ ಮತ್ತು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾದ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾದ ಯಾವುದೇ ಕ್ರಮ ಅಥವಾ ರಚಿಸಲಾದ ಯಾವುದೇ ನಿಯಮ, ಅಧಿಸೂಚನೆ ಅಥವಾ ಆದೇಶದ ಮೂಲಕ ರದ್ದುಗೊಳಿಸಲಾಗಿದ್ದ ಹೊರತು ಈ ಅಧಿನಿಯಮದ ಸಂವಾದಿ ಉಪಬಂಧಗಳ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಜಾರಿಯಲ್ಲಿರುವುದು ಮುಂದುವರಿಯತಕ್ಕದ್ದು ಮತ್ತು ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು.

27. ನಿರಸನ ಮತ್ತು ಉಳಿಸುವಿಕೆಗಳು :- (1) ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧ್ಯಾದೇಶ, 2000ವನ್ನು (2000ದ ಕರ್ನಾಟಕ ಅಧ್ಯಾದೇಶ ಸಂಖ್ಯೆ 8) ಈ ಮೂಲಕ ನಿರಸನಗೊಳಿಸಲಾಗಿದೆ.

(2) ಹಾಗೆ ನಿರಸನಗೊಂಡಿದ್ದಾಗ್ಯೂ, ಸದರಿ ಅಧ್ಯಾದೇಶದ ಅಡಿಯಲ್ಲಿ ಮಾಡಿದ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಕೈಗೊಂಡ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಈ ಅಧಿನಿಯಮದ ಅಡಿಯಲ್ಲಿ ಮಾಡಲಾಗಿದೆ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾಗಿದೆ ಎಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಜಿ. ದಕ್ಷಿಣಾಮೂರ್ತಿ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ (ಪ್ರ),

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

**Public Works Department
CORRIGENDUM**

No. PWD 154 FC-3/2000 (Part-I) Bangalore, Dated 17th January 2001

Subject : Karnataka Transparency in Public Procurement Rules, 2000.

Reference: Notification No: PWD 154 FC-III/2000 Dt: 24.10.2000 Published in
the Karnataka Gazette extraordinary Date: 24-10-2000

In the Notification No. PWD 154 FC-III 2000 dated 24th October 2000 Published in
party IV-A of the Karnataka Gazette Extra-Ordinary dated 24th October, 2000
the following corrections shall be read namely:-

Sl. No.	Page No.	Line	For	Read
1	7	19	Thirty days	Sixty days

By Order and in the name Governor of Karnataka

K.R. BADIGER

Under Secretary to Government

Parliamentary Affairs and Legislation Secretariat'

Notification

No. ASMVYASHAE 29 SHASANA 1999, Bangalore, Dated 16th February, 2001

Ordered that the translation of the ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 in the English language, be published as authorised by the Governor of Karnataka under clause (3) of the Article 348 of the Constitution of India in the Karnataka Gazette for general information.

The following translation of the ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 in the English language, be published in the Official Gazette under the authority of the Governor of Karnataka under clause (3) of the Article 348 of the Constitution of India.

KARNATAKA ACT NO. 29 OF 2000

(First Published in the Karnataka Gazette Extraordinary on the thirteenth day of December, 2000)

THE KARNATAKA TRANSPARENCY IN PUBLIC PROCUREMENTS ACT, 1999.

(Received the assent of the Governor on the tenth day of December, 2000)

(Amended by Act 21 of 2001)

An Act to provide for ensuring transparency in public procurement of goods and services by streamlining the procedure in inviting, processing and acceptance of tenders by Procurement Entities, and for matters related thereto.

WHEREAS it is expedient in public interest to render the process of procurement of goods and services by Procurement Entities transparent by streamlining the procedure in inviting, processing and acceptance of tenders.

BE it enacted by the Karnataka State Legislature in the fiftieth year of the Republic of India as follows:-

CHAPTER I

1. Short title and commencement.- (1) This Act may be called the Karnataka Transparency in Public Procurements Act, 1999.

(2) It shall be deemed to have come into force with effect from the fourth day of October, 2000.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) 'Construction Works' means putting up, demolishing, repairs or renovation of buildings, roads, bridges or other structures including fabrication of steel structures and all other civil works;

(b) 'Goods' means Machinery, Motor Vehicles, Equipment, Furniture, Articles of Stationary, textiles raw materials, drugs, scientific instruments, chemicals, food grains, oil and oil seeds or other commodity required for consumption, use or distribution by a Procurement Entity in discharge of its public duties;

(c) 'Government' means the State Government;

(d) 'Procurement Entity' means any Government Department, a State Government Undertaking, Local Authority or Board, Body or Corporation established by or under any law and owned or controlled by the Government, and any other body or authority owned or controlled by the Government and as may be specified by it.

(e) 'Public Procurement' or 'procurement' means purchase of goods, obtaining of services or undertaking of construction works by the procurement entities;

(f) 'Services' means the action of serving, attending upon, helping or benefiting a Procurement Entity in the course of discharging its public duties and includes construction works;

(g) 'Specified goods or Services' means the goods or services as the case may be specified in a tender and identified in the contract resulting from acceptance of a tender on account of a procurement entity;

(h) 'Tender' means the formal offer made for supply of goods or services in response to an invitation for tender published in a Tender Bulletin;

(i) 'Tender Accepting Authority' means an officer or a Committee appointed to accept tenders and a 'Tender Inviting Authority' means an officer or a Committee appointed to invite tenders, under section 9;

(j) 'Tender Bulletin' means a bulletin published for the State as a whole or for any district or districts within the State containing the details of invitation, processing and acceptance of Tenders;

(k) 'Tender Bulletin Officer' means a State Tender Bulletin Officer or a Tender Bulletin Officer referred to in section 7;

(l) 'Tender Document' means the set of papers detailing the schedule of works, calendar of events, requirement of goods and services, technical specifications, procurement criteria and such other particulars, as may be prescribed for evaluation and comparison of tenders.

3. Provisions not to apply to certain Projects.- The provisions of this Act in so far as they are inconsistent with the procedure specified in respect of the Projects funded by International Financial Agencies or Projects covered under International Agreements, shall not apply to procurement of goods or services for such project.

4. Exceptions to applicability.- The provisions of Chapter II shall not apply to Procurement of goods and services,-

(a) During the period of natural calamity or emergency declared by the Government ;

(b) Where the goods or services are available from a single source or where a particular supplier or contractor has exclusive rights in respect of the goods or services or construction work and no reasonable alternatives or substitutes exist:

Provided that for the purpose of this clause there shall be a committee of three experts consisting of one technical representative of the procuring entity one technical representative of the Government organisation dealing with similar procurement and one representative from a reputed Academic or Research Institution or Non-Commercial Institution having expertise in such line to examine and declare that the goods or services are available from a single source;

(c) Where the procuring entity having procured goods, services or technology from a supplier or contractor determines that additional supplies must be procured from the same supplier or contractor for reasons of standardization and compatibility with the existing goods, service or technology;

(d) Where the goods or services are procured from certain Departments of Government, public sector undertakings, statutory boards and such other institutions specified by the Government and such goods are manufactured or services are provided by them, for a period not exceeding two years from the date of commencement of this Act;

(e) Where the value of the goods or services to be procured.

- (i) by the Government Departments does not exceed rupees five lakh; or
- (ii) by a local authority for the purpose of implementing mini-water supply scheme or construction of school rooms does not exceed rupees two lakhs and for other purpose, does not exceed rupees one lakh.

Explanation:- For the purpose of this clause local authority includes Grama Panchayats, Taluk, Panchayats and Zilla Panchayats, constituted under the Karnataka Panchayats and Zilla Panchayats, constituted under the Karnataka Panchayat Raj act, 1993, Municipal Corporations Constituted under the Karnataka Municipal Corporations Act, 1976. Municipal Councils and Town Panchayats constituted under the Karnataka Municipalities Act, 1964, Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987, Hyderabad Karnataka Area Development Board constituted under the Hyderabad Karnataka Area Development Board Act, 1993, Malnad Area Development Board constituted under the Malnad Area Development Board Act, 1991 and the Bayaluseeme Development Board constituted under the Bayaluseeme Development Board Act, 1994.

(f) Where the goods or services are procured under rate contracts from the Director General of Supplies and Disposals or from the Stores Purchase Department of the State; and

(g) in respect of specific procurements as may be notified by the Government from time to time.

(h) in respect of spot purchase of cotton by Spinning Mills, purchase of oil seeds by the Karnataka Agro-Industries Corporation or the Karnataka Co-operative Oil Seeds Grower's Federation, purchase of sugarcane by Sugar Mills, direct purchase

of paddy by the Agricultural Produce Market Committees and the Karnataka Food and Civil Supplies Corporation, purchase of cloth by the Karnataka Handloom Development Corporation, purchase of silk by the Karnataka Silk Industries Corporation, purchase of milk by the Karnataka Milk Producers Co-operative Federation, purchase of palm oil by the Karnataka Food and Civil Supplies Corporation and the Karnataka Co-operative Oil Seeds Grower's Federation, purchase of cloth by the Government Departments and public sector undertaking from the Karnataka Handloom Development Corporation and purchase by such other organizations or purchase of any other material as may be notified by the Government from time to time.

CHAPTER II

REGULATION OF PROCUREMENT

5. Procurement other than by Tender Prohibited.- On and from the date of commencement of this Act no Procurement Entity shall procure goods or services except by inviting Tenders for supply.

6. Procurement Entities to follow Procedure.- No tender shall be invited, processed or accepted by a Procurement Entity after the commencement of this Act except in accordance with the procedure laid down in this Act or the rules made thereunder.

7. Tender Bulletin Officers.- (1) The Government may by notification appoint an officer not below the rank of a Deputy Secretary to Government of the concerned department to be the State Tender Bulletin Officer for the State in respect of that Department where the procurement of that department covers more than one district.

(2) Deputy Commissioner of the District shall be the District Bulletin Officer.

8. Publication of Tender Bulletin.- (1) The State Tender Bulletin Officer, or as the case may be, the District Tender Bulletin Officer shall on receipt of intimation relating to notice of invitation of tender from tender inviting authority or information relating to details of acceptance of tender under section 13 or rejection of tender under section 14 from the tender Accepting Authority, publish within the prescribed time, the State Tender Bulletin or as the case may be District Tender Bulletin.

(2) The Tender Bulletin shall be made available for sale in the office of the Tender Bulletin Officer and in such other places as the Tender Bulletin Officer deems fit to make available.

9. Tender Inviting Authority and Tender Accepting Authority.- (1) The Procurement Entity may, by order, appoint, -

(i) one or more of officers or a Committee of Officers to be the Tender Inviting Authority for any specified area, specified procurement or specified class of goods or services, and

(ii) one or more of officers or a Committee of Officers to be the Tender Accepting Authority for any specified area or Specified Procurement, specified class of goods and services:

Provided that where a multi-member Committee is already appointed for any Procurement Entity for discharging the function of accepting tenders, such Committee shall be deemed to be a Tender Accepting Authority appointed under this Act.

10. Tender Scrutiny Committee.- The Tender Accepting Authority may constitute a Tender Scrutiny Committee consisting of such persons as it deems fit to scrutinise tenders above five crores in the case of the Public Works, Irrigation and Minor Irrigation Departments of the Government and above rupees one crore in other cases.

11. Opening of Tenders.- (1) The Procurement entity may authorise either the Tender Inviting Authority or the Tender Accepting Authority or any other Officer to open the Tenders and draw up a list of Tenderers responding to the notice inviting tender, in each case.

(2) The Authority, or as the case may be the officer referred to in sub-section (1) shall open the tender, draw up a list of tenderers in the prescribed manner and unless it is also the Tender Accepting Authority, forward the tenders along with the list of tenderers, to the Tender Accepting Authority.

12. Duties of Tender Inviting Authority.- (1) It shall be the duty of every Tender Inviting Authority,-

(a) to take out notice inviting tenders at the behest of the Procurement Entity in the prescribed manner;

(b) to communicate the notice inviting tenders by marking a copy thereof to the Tender bulletin Officer concerned immediately after issue of the notice;

(c) to cause publication of notice inviting tenders in the prescribed manner; and

(d) to supply the Schedule of Rates and Tender Documents to every intending tenderer who has applied to get such documents.

(2) The Tender Inviting Authority shall take out notices, communications and publications required to be taken out under this section in such form, in such manner, by such mode and at such time and interval as may be prescribed and different manner and mode of publication may be prescribed for different procurements depending on the value of the procurement.

(3) The Tender Inviting Authority shall collect all the details received in response to the notice inviting tender, within the time stipulated and unless it is itself authorised to open the tender shall compile and forward all the tenders received to the Authority or Officer authorised to open the tenders.

13. Acceptance of Tender.- The Tender Accepting Authority shall, after following such procedure as may be prescribed pass order accepting the tender and

shall communicate the information relating to acceptance of tender together with a comparative analysis and reasons for accepting of tender to the procurement entity and the Tender Bulletin Officer:

Provided that where the Tender Accepting Authority consists of single officer who is due to retire within the next six months, from the date fixed for the acceptance for tender, he shall not act to accept the tender without obtaining prior approval of the Procurement Entity:

Provided further that subject to such general or special order as may be issued by the Government from time to time, the Tender Accepting Authority may before passing order accepting a tender negotiate with lowest tenderer.

14. General rejection of tenders.- (1) The Tender Accepting Authority may at any time before passing an order of acceptance under section 13 reject all the tenders on the ground of changes in the scope of procurement, failure of anticipated financial resource, accidents, calamities or any other ground as may be prescribed which would render the procurement unnecessary or impossible and report the same to the Procurement Entity.

(2) The Procurement Entity shall thereafter communicate the fact of the rejection under this section to all the Tenderers and also cause the same to be published in the Tender Bulletin.

15. Power to give directions.- It shall be competent for the Government to give appropriate directions to the Procurement Entity or the Authorities under this Act in order to secure and maintain transparency at any stage of the process of procurement, and it shall be duty of the Procurement Entity or such authority to comply with the directions.

16. Appeal.- (1) Any tenderer aggrieved by an order passed by the Tender Accepting Authority other than the Government under section 13 may appeal to the prescribed authority within thirty days from the date of receipt of the order:

Provided that the prescribed authority may, in its discretion allow further time not exceeding thirty days for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) The prescribed authority may after giving opportunity of being heard to both the parties pass such order thereon as it deems fit and such order shall be final.

(3) The prescribed authority shall as far as possible dispose of the appeal within thirty days from the date of filing thereof.

17. Power to obtain information.- Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may with a view to ensuring transparency call for and obtain, from any Authority under this Act, any information relating to any matter in the process of procurement.

18. Power to call for records.- The Government may at any time, with a view to ensuring transparency in the procurement process call upon any authority under this Act,-

(i) to produce records relating to invitation, processing and acceptance of tenders ;

(ii) to furnish the tender document, estimates/statements/accounts or statistics relating to such tenders; and

(iii) to furnish report on any specific point incidental to the procurement.

CHAPTER III

MISCELLANEOUS

19. Officers deemed to be Public Servants.- Every Officer acting under or in pursuance of the provisions of this Act or under a rule, order or notification made thereunder, shall be deemed to be a public servant within this meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

20. Immunity for action taken in good faith.- No suit or other legal proceeding shall lie against the Government or any officer or authority empowered to exercise powers or perform the functions under the Act in respect of anything which is in good faith done or intended to be done under this Act.

21. Bar of Jurisdiction of Courts.- Save as otherwise provided in this Act no order passed or proceedings taken by any officer or authority under this Act shall be called in question in any court, and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority in exercise of powers conferred on him or it, by or under this Act.

22. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage, agreement, decree or order of a Court or a Tribunal or other Authority.

23. Penalty.- Whoever contravenes the provisions of this Act or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

24. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette make such provisions not inconsistent with the provisions of the Act as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after this expiry of a period of two years from the date of commencement of the Act.

25. Power to make rules.- (1) The Government, may by notification, make such rules as are necessary for carrying out the purposes of this Act.

(2) Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is laid or the sessions immediately following both Houses agree in making any modifications in the rule, notification or order or both

Houses agree that the rule, notification or order shall not be made, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

26. Savings.- All rules, regulations, orders, notifications departmental codes, manuals, bye-laws, official Memoranda, circular or any other order made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the above matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act, to the extent they are not inconsistent with the provisions of this Act and unless and until superceded by anything done or any action taken or any rule, notification or order, is made under this Act.

27. Repeal and savings.- (1) The Karnataka Transparency in Public Procurements Ordinance, 2000 (Karnataka Ordinance No. 8 of 2000) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act.

(The above translation of the ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 (2000ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 29) be published in the Official Gazette (Extraordinary) dated 16.2.2001 as No. 352 (Note: No. DPAL 29 Shasana 1999 dated 16.2.2001) under clause (3) of Article 348 of the Constitution of India.)

V.S. RAMADEVI
Governor of Karnataka

By Order and in the name
of the Governor of Karnataka

M.R. Hegde
Secretary to Government
Department of Parliamentary Affairs and Legislation

NO. PWD/22/FC-3/2001 Bangalore: 1-3-2001**NOTIFICATION**

In exercise of the powers conferred by section 25 of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000) the Government of Karnataka hereby makes the following rules to amend the Karnataka Transparency in Procurements Rules, 2000 namely:-

1. Short title and commencement.- These rules may be called the Karnataka Transparency in public Procurements (Amendment) Rules, 2001.

(2) they shall come into force on the date of their publication in the official Gazette.

2. Amendment of rule 27.- In rule 27 of the Karnataka Transparency in Public Procurements Rules, 2000, after sub-rule (2), the following provision shall be inserted namely:-

Provided that notwithstanding anything contrary contained in these rules the tender inviting Authority may adopt the list of prequalified tenderers empanelled by the Directorate of Information Technology, Government of Karnataka in respect of computers, peripherals and related services And call for price bids from all such prequalified tenderers and the price bids received from the prequalified tenderers shall be considered for evaluation by the tender accepting authority, so far as may be in accordance with these rules."

By Order and in the name
of the Governor of Karnataka

K.R. BADIGER

Under Secretary to Government
PWD (Finance Cell)

NO. PWD/33/FC-III/2001 Bangalore: Dated: 21st March 2001

CIRCULAR

Sub: Clarifications regarding Karnataka Transparency In public Procurement Act, 1999 and Rules, 2000-reg.

The departments are already aware of KTPP Act, 1999 and Rules, 2000 issued in this behalf. Some of the Deputy Commissioners and Departments have sought clarification on some issues. Accordingly following clarifications are brought to notice of all the concerned.

1) Regarding printing of Tender Bulletin.

It shall be printed like a booklet covering the information as mentioned in Rule 7 & 8 and it should be distributed as per Rule 5. It need not be printed either in the Gazette or in News paper. It shall be printed by the tender bulletin officer other through Govt. Printing Press or in Private Press after following procedures/rules as applicable.

2) Publication of tender bulletin.

Tender bulletin shall be published at least once in every week. In case of urgency an extraordinary bulletin shall be published after following procedures as per sub rule (4) of Rule 4. If in a particular week there is no information to publish in the tender bulletin, then a 'Nil' report be published and circulated.

3) Content of the Tender bulletin.

The tender notice as per Rule 9 published by each tender inviting authority shall be printed in the bulletin as it is. Further tender bulletin shall also contain information as given by the Tender Inviting/Accepting authority as it is as per Rule 8 and Sec. 8 of the Act As per Sec. 8 of the Act, the Tender Bulletin Officer after receipt of notice of Acceptance of tender under Sec. 13 of the Act or Rejection of tender, under Sec. 14 of the Act shall be publish in the bulletin. So part-A of the bulletin shall contain tender inviting notices, part-B should contain order relating to tender acceptance and Part-C shall contain orders relating to general rejection of tender.

4) Budget provision for printing of Tender Bulletin and fixing cost of it.

govt. will make separate provision for tender bulletin expenditure Cost of the bulletin should be fixed at Rs.1.00 per page and total cost per copy depends upon the total page of the bulletin.

5) Procedures to be followed for purchases below Rs.5 lakhs by Govt. Depts. and below Rs.2 lakhs for water supply and school buildings and below Rs.1 lakh for other works by the local bodies.

Any procuremen of goods and services below Rs.5 lakhs in case of govt. Dept. and below Rs.2 lakhs in case of water supply and school buildings and below Rs. 1 lakh for other works incase of local bodies shall be followed as per existing applicable Rules/Proceudres/Codes of the Dept, as followed earlier to the Act as mentioned in Sec.26 of the Act. How ever following tender procedure is not banned for procurement below the above monitory limit.

- 6) Procurement of goods and services from Govt. Depts., Public Sector Undertakings, Boards, Corporations

For any procurement through Public sector Undertaking, exemption for 2 years from the date of publication of this Act is applicable as per Sec. 4(d) of the Act. It should be ensured that such Undertaking manufactures the particular goods or render the service without subletting to any other private agency. For example KSIMC is not a manufacturing unit., Therefore, the above exemption clause does not apply to it. Public Sector Undertakings include not only state but also Central Public Sector Undertakings.

- 7) Procurement of goods from DGSD firms and rate contract fixed by SPD. Under Sec. 4(f) exemption is available if procurement is through DGSD firms and rate contract fixed by SPD.

- 8) Application of KTPP Act/Rules in case of MPLAD Scheme.

Under the guidelines of MPLAD, the existing Procedures/Rules of the State have to be followed. Therefore, for any work taken up beyond the monetary limit of Rs. 5 lakhs in case of Govt. Dept. and Rs.1 lakh in case of other works and Rs. 2 lakhs in case of water supply and school buildings by ZPs/Local bodies, this Act and Rules are applicable until any change in system.

- 9) Application of KTPP Act/Rules in case of other Centrally Sponsored Schemes, like Swarna Jayanthi Scheme, Shahari rojagar Yojana, Udyoga Bharavase Yojana etc.

If in the guidelines of the scheme itself entrustment of work to contractors is banned then the KTPP Act/Rules does not apply. Otherwise it has to be followed.

- 10) Publication of Extraordinary Tender Bulletin in case of emergency.

Under Sub-rule (4) of Rule 4 it is indicated that the D.C. himself may record in writing the reasons for such extra ordinary bulletin and issue the same. In case of State tender bulletin, approval of the concerned Secretary to Govt. is required.

All the Secretaries to Govt. and Departmental heads are once again requested to direct the procurement entities under their control to follow the KTPP Act, 1999 and KTPP, Rules, 2000 scrupulously. Anybody violating the provisions of the Act and Rules is liable for penalty as per sec 23 of the Act.

C. GOPALA REDDY
Principal Secretary
Finance Department

Public works Secretariat**Notification****No. PWD 154 FC-3/2001(Part-1) Bangalore: Dated: 2nd April 2001**

In exercise of powers conferred by section 25 of Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000) the Government of Karnataka hereby makes the following rules further to amend the Karnataka Transparency in Public Procurements Rules, 2000 namely:-

1. Title and commencement.- These rules may be called the Karnataka Transparency in public Procurements (Amendment) rules, 2001.

(2) they shall come into force on the date of their publication in the official Gazette.

2. Amendment of rule 26.- In rule 26 of the Karnataka Transparency in Public Procurements Rules, 2000, (here in after referred to as the said rules) in sub-rule (2), for the word and figures "Section 12" the word figures "Section" shall be substituted.

3. Amendment of rule 29.- In rule 29 of the said rules, for the word and figures "Section 15" the word and figures "Section 16" shall be substituted.

By Order in the name of the Governor of Karnataka

K.R. BADIGER

Under Secretary to Government
PWD (Finance Cell)

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ ಸಂವ್ಯಾಶಾ 33 ಶಾಸನ 2001, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 25ನೇ ಆಗಸ್ಟ್, 2001

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2001ಕ್ಕೆ 2001ರ ಆಗಸ್ಟ್ 24ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 21 ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 21

2001ರ ಆಗಸ್ಟ್ ಇಪ್ಪತ್ತೈದನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ 2001.

(2001ರ ಆಗಸ್ಟ್ ಇಪ್ಪತ್ತನಾಲ್ಕನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಅನುಮತಿಯನ್ನು ಪಡೆಯಲಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999ನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಒಂದು ಅಧಿನಿಯಮ.

ಇದರಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಕಂಡು ಬರುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999ನ್ನು (2000ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 29) ತಿದ್ದುಪಡಿಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ;

ಇದು ಭಾರತ ಗಣರಾಜ್ಯದ ಐವತ್ತೆರಡನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ, ಎಂದರೆ:

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ: (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2001 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು ಈ ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು

2. 4ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ : ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999ರ (2000ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 29) 4ನೇ ಪ್ರಕರಣದಲ್ಲಿ (ಇ) ಖಂಡಕ್ಕೆ ಈ ಮುಂದಿನದನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು, ಎಂದರೆ,-

“(ಇ) ಸರ್ಕಾರದ ಇಲಾಖೆಗಳಿಂದ, ರಾಜ್ಯಸರ್ಕಾರದ ಉದ್ಯಮಗಳಿಂದ ಅಥವಾ ಯಾವುದೇ ಕಾನೂನಿನ ಮೂಲಕ ಅಥವಾ ಅದರ ಅಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿತವಾದ ಮತ್ತು ಸರ್ಕಾರದ ಒಡೆತನ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಯಾವುದೇ ಮಂಡಲಿ, ನಿಕಾಯ ಅಥವಾ ನಿಗಮದಿಂದ ಅಥವಾ ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಜಿಲ್ಲಾ ಪಂಚಾಯತ್‌ಗಳು ಅಥವಾ ಪೌರನಿಗಮಗಳ ಅಧಿನಿಯಮ, 1976ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಪೌರನಿಗಮಗಳು ಅಥವಾ ಕರ್ನಾಟಕ ಪೌರಸಭೆಗಳ ಅಧಿನಿಯಮ, 1964ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಮುನ್ಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳು ಅಥವಾ ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1993ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಹೈದರಾಬಾದ್ ಪ್ರದೇಶಾಭಿವೃದ್ಧಿ ಮಂಡಲಿ; ಅಥವಾ ಮಲ್ಟಾಡು ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಧಿನಿಯಮ, 1991ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಮಲ್ಟಾಡು ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿ ಅಥವಾ ಬಯಲು ಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿಯ ಅಧಿನಿಯಮ, 1994ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಬಯಲು ಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಲಿಯಿಂದ,-

(i) ಯಾವುವುಗಳ ಮೌಲ್ಯವು ಐದು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರಿರುವುದಿಲ್ಲವೋ ಆ ಎಲ್ಲಾ ಬಗೆಯ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳ ಸಂದರ್ಭದಲ್ಲಿ;

(ii) ಯಾವುವುಗಳ ಮೌಲ್ಯವು ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರಿರುವುದಿಲ್ಲವೋ ಆ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಸಂದರ್ಭದಲ್ಲಿ,-

- ಸಂಗ್ರಹಣೆ ಮಾಡಲಾಗಿದ್ದಲ್ಲಿ

(ಇಇ) ಸರಕುಗಳನ್ನು ಅಥವಾ ಸೇವೆಗಳನ್ನು, ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಗ್ರಾಮಪಂಚಾಯತಿಗಳು ಮತ್ತು ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗಳು, ಕರ್ನಾಟಕ ಪೌರ ಸಭೆಗಳ ಅಧಿನಿಯಮ, 1964ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ಪಟ್ಟಣ ಪುರಸಭೆಗಳು ಅಥವಾ ಪಟ್ಟಣ ಪಂಚಾಯತಿಗಳು ಅಥವಾ ಕರ್ನಾಟಕ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ ಅಧಿನಿಯಮ, 1987ರ ಅಡಿಯಲ್ಲಿ ರಚಿತವಾದ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳಿಂದ,

i) ಯಾವುವುಗಳ ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವು ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರಿರುವುದಿಲ್ಲವೋ ಆ ಕಿರು ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯ ಅನುಷ್ಠಾನದ ಅಥವಾ ಶಾಲಾಕೊಠಡಿಗಳ ನಿರ್ಮಾಣದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮತ್ತು

(ii) ಯಾವುವುಗಳ ಸಂಗ್ರಹಣೆಯ ಮೌಲ್ಯವು ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಮೀರಿರುವುದಿಲ್ಲವೋ ಅಂಥ ಇತರೆ ಉದ್ದೇಶಗಳಿಗಾಗಿ,-

- ಸಂಗ್ರಹಣೆ ಮಾಡಲಾಗಿದ್ದಲ್ಲಿ.”

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಅಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಮ.ರಾ. ಹೆಗಡೆ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

Notification**No. PWD 389 FC-3/2001 Bangalore, Dated: 30 August 2001**

In exercise of powers conferred by section 25 of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000) the Government of Karnataka here by makes the following rules further to amend the Karnataka Transparency in Public Procurements Rules, 2000 namely:-

1. Title and commencement.- (1) These Rules may be called the Karnataka Transparency in public Procurements (Third Amendment) Rules, 2001.

(2) they shall come into force from the date of their publication in the official Gazette.

2. Amendment of Rule 25.- In rule 25 of the Karnataka Transparency in Public Procurements rules, 2000, in sub-rule (2), the following shall be inserted at the end, namely:-

Provided that for a period of five years from the first day of April 2001, small scale industrial Policy 2001-2006 issued by the Government in Order No. CI 167 SPI 2001, dated 30th June 2001 While determining the lowest evaluated price.

Explanation : For the purpose of this proviso small scale industry means an industrial undertaking in which investment in fixed assets in plant and machinery whether held on ownership terms or on lease or by hire purchase does not exceed rupees one hundred lakhs.

By Order in the name of the
Governor of Karnataka

K.R. BADIGER
Under Secretary to Government
PWD (Finance Cell)

K.T.P.P. ACT 1999
Parliamentary Affairs and Legislation Secretariat
Notification

No. Samvyashae 33 Shasana 2001 Bangalore, Dated: 6th September, 2001

Orderd that the translation of the ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2001 In the English language, be published as authorized by the Governor of Karnataka under clause (3) of Article 348 of the constitution of India in the Karnataka Gazette for general information.

The following translation of the ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2001 in the English language is published in the Official Gazette under the authority of the governor of Karnataka under clause (3) of Article 348 of the Constitution of India.

KARNATAKA ACT 21 OF 2001

(First published in the Karnataka Gazette Extra-ordinary on the Twenty Fifth day of August, 2001)

**THE KARNATAKA TRANSPARENCY IN PUBLIC PROCUREMENTS
(AMENDMENT) ACT, 2001**

(Received the assent of the Governor on the Twenty Fourth day of August, 2001)

An Act to amend the Karnataka Transparency in Public Procurements Act, 1999.

Whereas it is expedient to amend the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty-second year of the Republic of India as follows:-

1. Short title and commencement.- This Act may be called the Karnataka Transparency in Public Procurements (Amendment) Act, 2001.

(2) It shall come into force at once.

2. Amendment of section 4.- In section 4 of the Karnataka Transparency in Public Procurements Act, 1999 (Karnataka Act 29 of 2000) for clause (e), the following shall be substituted, namely:-

"(e) where the procurement is by the Government Departments, State Government Undertakings, or any Board, Body or Corporation established by or under any law and owned or controlled by the Government or Zilla Panchayats constituted under the Karnataka Panchayat Raj Act, 1993 or City Municipal Corporations established under the Municipal Corporations Act, 1976 or City Municipal Councils established under the Karnataka Municipalities Act, 1964 or the Hyderabad Karnataka Areas Development Board constituted under the Hyderabad

Karnataka Area Development Board Act, 1993 or Malnad Area Development Board constituted under the Madnad Area Development Board Act, 1991 or the Bayaluseeme Development Board constituted under the Bayaluseeme Development Board Act, 1994,-

(l) in case of construction works of all types the value of which does not exceed rupees five lakhs;

(ii) in case of goods or services other than construction works the value of which doest not exceed rupees one lakh;

(ee) where the procurement of goods or services is by the Grama Panchayats and Taluk Panchayats constituted under the Karnataka Panchayat Raj Act, 1993, Town Municipal Councils or Town Panchayats constituted under the Karnataka Municipalities Act, 1964 or Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987,-

(i) for the purpose of implementing mini water supply scheme or construction of school rooms and the value of such procurement does not exceed rupees two lakhs; and

(ii) for other purposes and the value of such procurement does not exceed rupees one lakh"

The above translation of ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2001 (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 21) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

V.S. Ramadevi

Governor of Karnataka

By Order and in the name
of the Governor of Karnataka

M.R. Hegde

Secretary to Government

Department of Parliamentary Affairs and
Legislation

Notification

No. PWD/513/FC-III/2001 Bangalore: Dated: 29th October 2001

Sub: KTPP Act, 1999 and KTPP Rules 2000 Clarifications regarding new amendment of the Act.

Ref: Circular No. PWD 33 FC-III/2001. dt: 21.3.2001

The Government Departments the Public Sector Undertakings, Local Authorities, and Autonomous institutions are aware of the Karnataka Transparency in Public Procurement Act, 1999 which came into effect from 4th October 2000. The Karnataka Transparency in Public Procurement rules, 2000 have been published in the Karnataka Gazette (Part-IV-A) dated: 24.10.2000. The Finance Department has issued certain clarifications vide Circular No. PWD 33 FC-III/2001: dt: 21.3.2001

2. The procurement entities are aware of recent Amendment made to KTPP Act, 1999 called KTPP (Amendment) Act, 2001 vide Notification No ಸಂಖ್ಯೆಶಾಇ 33 ಶಾಸನ 2001 dated: 25.8.2001 Published in Extraordinary Gazette dated: 25.8.2001. By the said amendment Act earlier clause (e) of Section 4 is substituted by new clauses (e) and (ee)

3. The new clause (e) of Section 4 provides that, the Act does not apply,

Where the procurement is made by the Government Departments, State Government Undertakings, or any Board, Body or Corporation established by or under any law and owned or controlled by the Government or Zilla Panchayats City Municipal Corporations or city Municipal Councils or the Hyderabad Karnataka Areas Development Board or Madnad Area Development Board or the Bayaluseeme Development Board.

i) In case of construction works of all types the value of which does not exceed Rupees five lakhs.

ii) In case of the goods and services, other than the construction works, the value of Which does not exceed Rupees one lakh.

4. Further new clause (ee) of Section 4 Provides that the KTPP Act doest not apply

Where the procurement of goods or services in by the Grama Panchayats and Taluk Panchayats Town Municipal Conucils or Town Panchayats or Urban Development Authorities

(i) For the purpose of implementing mini water supply scheme or construction of school rooms and the value of such procurement doest not exceed Rupees two lakhs and

(ii) For Other purposes and the value of such procurement does not exceed Rupees one lakh...

5. After the Amendment of the Act as stated above, several Departments/Agencies have sought the Finance Department's clarifications of the following.

(i) Whether piece work can be taken up within the limit mentioned in Amended Act?

(ii) Whether departmental work can be taken up within the limit mentioned in the Amended Act?

(iii) Whether tender procedures to be followed for procurement within the above limit and whether exemption is allowed only for publication of tender bulletin and other procedures as per KTPP Act?

(iv) The procedures to be followed for the procurement within the limit given in the Amendment i.e. Rupees Five lakhs, Rupees Two lakhs as the case may be.

6. The above points have been examined and following clarifications are issued.

i) Sec 26 of the KTPP Act, 1999 provides as follows:

"All rules regulations orders, notifications departmental codes, order manuals bye laws official Memoranda, Circulars or any other order made or issued before the commencement of this Act and in force on the date or such commencement providing for or relating to any of the above matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act, to the extent they are not inconsistent with the provisions of the Act and unless and until superceded by anything done or any action taken or any rule, notification or order, is made under this act."

Therefore wherever the KTPP Act does not apply the provisions of already practiced procedure in force before coming in to force of the Act shall continue to be followed. Hence, while taking up construction work up to Rs. 5 lakhs, or Rs.2 lakhs as the case may be, the procedure followed earlier i.e. before the commencement of this Act shall continue to be followed. Piece work is allowed only up to limit of Rs. 1 lakh as specified in PWD code and G.O. No. PWD 1 FCR 93, dt: 15.12.1994 and not beyond it. However for taking up construction works below Rs. 5 lakhs, Rs. 2 lakhs as the case may be and for procurement of goods and services below Rs. 1 lakh normal tender procedure needs to be followed.

(ii) Construction of work up to Rs. 5 lakhs or Rs. 2 lakhs as the case may be taken up if it is allowed in Departments, Psus, Local Authority and if there is no ban order. For Ex: Water Resources Dept. has banned to take up works departmentally.

iii) The Amended Act allows exemption only from following provision of KTPP Act and Rules for following cases.

(1) Construction of works upto Rs. 5 lakhs (For Departments, Psus, Local Authorities and other Agencies mentioned at para 3 above).

(2) For implementing mini water supply scheme or construction of school rooms up to Rs. 2 lakhs (For Local Authorities mentioned at para 4 above).

(3) For procurement of goods and services up to Rs. 1 lakh (For Government Departments, Psus, Local Authorities and also other institutions mentioned at para 3&4 above) As per this, Government Department and other institutions mentioned can purchase materials only up to Rs. 1 lakh without following procedures of KTPP Act/Rules.

A comparative chart showing provision existed under Section 4(e) of KTPP Act, 1999 and provision existing under Section 4(e) and 4(ee) of KTPP (Amndt) Act, 2001 is enclosed.

In the above cases Government Departments, PSUs, Local Authorities and other organisations as mentioned above shall follow all required normal tender/purchase procedures which were followed prior to commencement of the KTPP Act, but only the exemption is given from following the provisions of KTPP Act/Rules.

(iii) In all the cases referred to above [1,2 and 3 of (iii)] only the provision of KTPP Act/Rules doest not apply, but normal departmental rules, regulations, codal provision and normal tender procedure which were followed prior to commencement of KTPP Act/Rules have to be followed.

C. Gopal Reddy
ACS & Principal Secretary to Government
Finance Department.

Comparative chart regarding provisions that was existed under Section 4(e) of KTPP Act, 1999 and provision as existing under Section 4(e) and 4(ee) of KTPP (Amendment) Act, 2001.

Procurement entities	Provisions existed under Section 4(2) of KTPP Act 1999		Provision existing under Section 4(e) and 4(ee) of KTPP (Amendment) Act, 2000	
	Civil Construction works	Procurement of goods	Civil Construction works	Procurement of goods
Govt. Departments	Up to Rs.5.00 lakhs	Upto Rs. 15.00 lakhs	Upto Rs. 5.00 lakhs	Upto Rs. 1.00 lakh
State PSUS, Boards Corporation	Nil	Nil	Upto Rs. 5.00 lakhs	upto Rs. 1.00 lakhs
Zilla Panchayats	Upto Rs.2.00 lakhs (for Mini Water supply scheme & school buildings) Upto Rs.1.00 lakh (for other works)	Upto Rs.1.00 lakhs	Upto Rs. 5.00 lakh	Upto Rs. 1.00 lakh
City Municipal Corporations				
City Municipal Councils, HKDB				
MADB, BSDB				
Grama Panchayats	Upto Rs.2.00 lakhs (for Mini Water supply scheme & school buildings) Upto Rs.1.00 lakh (for other works)	Upto Rs.1.00	Upto Rs. 2.00 lakhs (for Mini water Supply Schemes & School buildings) upto Rs. 1.00 lakh (for other works)	Upto Rs.1.00
Taluk Panchayats, Town Municipal Councils, Town Panchayats and Urban Development Authorities				

ಸಂ: ಲೋಇ:513:ಆಕೋ 3:2001 ದಿನಾಂಕ 19.11.2001

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕ ಕಾಯ್ದೆ 1999 ಮತ್ತು ನಿಯಮಗಳು 2000 ಕಾಯ್ದೆಗೆ ಸಂಬಂಧಿಸಿದ ಹೊಸ ತಿದ್ದುಪಡಿ ಬಗ್ಗೆ ಸ್ಪಷ್ಟೀಕರಣ.

ಉಲ್ಲೇಖ: ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಲೋಇ 33 ಆಕೋ3/2001, ದಿನಾಂಕ 21.3.2001

1. ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ 1999ನ್ನು ಆಕ್ಟೋಬರ್ 4, 2000 ರಿಂದ ಜಾರಿಗೆ ಬಂದಿರುವುದು ಎಲ್ಲಾ ಸರ್ಕಾರಿ ಇಲಾಖೆಗಳಿಗೆ, ಸಾರ್ವಜನಿಕ ಉದ್ಯಮಗಳಿಗೆ, ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಗಮನಕ್ಕೆ ಈಗಾಗಲೇ ಬಂದಿದೆ. ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ನಿಯಮಗಳು, 2000 ಗಳನ್ನು ಸಹಾ ದಿನಾಂಕ 24.10.2000 ರಂದು ಪ್ರಕಟಗೊಳಿಸಲಾಗಿದೆ. ಈ ಸಂಬಂಧ ಆರ್ಥಿಕ ಇಲಾಖೆಯಿಂದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಲೋಇ 33 ಆಕೋ-3/2001, ದಿನಾಂಕ 21.3.2001ರಲ್ಲಿ ಕೆಲವು ಸ್ಪಷ್ಟೀಕರಣಗಳನ್ನು ಸಹಾ ನೀಡಲಾಗಿದೆ.

2. ಎಲ್ಲಾ ಸರಕು ಖರೀದಿ ಸಂಸ್ಥೆಗಳು ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಲೋಇ 33 ಆಕೋ-3/2001, ದಿನಾಂಕ 25.8.2001ನ್ನು ಕರ್ನಾಟಕ ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರ ದಿನಾಂಕ: 25.8.2001ರಲ್ಲಿ ಪ್ರಕಟಪಡಿಸಿರುವುದನ್ನು ಸಹಾ ಗಮನಿಸಿರಬಹುದು. ಮೇಲ್ಕಾಣಿಸಿದ ತಿದ್ದುಪಡಿ ಕಾಯ್ದೆಯನ್ನು ಕಲಂ 4(ಇ) ಮತ್ತು (ಇಇ) ಗಳ ಉಪಬಂಧಗಳನ್ನು ಸೇರಿಸಿ ಹೊರಡಿಸಿದ್ದಾಗಿದೆ.

3. ಹೊಸ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ, 2001ರ ಕಲಂ 4(ಇ) ಪ್ರಕಾರ ಸರ್ಕಾರಿ ಇಲಾಖೆಗಳು/ಸಂಸ್ಥೆಗಳು ಅದರಡಿಯಲ್ಲಿ ಕೆಳಗೆ ಕಾಣಿಸಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಾಯ್ದೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಲಾಗಿದೆ.

ಸರ್ಕಾರದ ಇಲಾಖೆಗಳಿಂದ, ರಾಜ್ಯ ಸರ್ಕಾರದ ಉದ್ಯಮಗಳಿಂದ ಅಥವಾ ಕಾನೂನಿನ ಮೂಲಕ ಅಥವಾ ಅದರಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿತವಾದ ಸರ್ಕಾರದ ಒಡತನ ಅಥವಾ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ ಯಾವುದೇ ಮಂಡಳಿ ಅಥವಾ ನಿಗಮದಿಂದ ಜಿಲ್ಲಾಪಂಚಾಯತ್‌ಗಳು ನಗರ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೊರೇಷನ್‌ಗಳು ಅಥವಾ ನಗರ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳು ಅಥವಾ ಹೈದರಾಬಾದ್ ಕರ್ನಾಟಕ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ, ಮಲ್ಟಾಡ್ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ ಅಥವಾ ಬಯಲು ಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿಗಳಿಂದ ಕೈಗೊಳ್ಳುವ

- (i) ಐದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗಿನ ಯಾವುದೇ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಂಡ ಸಂದರ್ಭಗಳಲ್ಲಿ
- (ii) ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಉಳಿದಂತೆ ಯಾವುದೇ ಸರಕು ಖರೀದಿ ಅಥವಾ ಸೇವೆ ಪಡೆಯುವ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳಿಗೂ ಮೀರದ ಸಂದರ್ಭದಲ್ಲಿ.

4. ಅದೇ ರೀತಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆಯ ಹೊಸ ಉಪಬಂಧದ ಕಲಂ 4(ಇಇ) ಪ್ರಕಾರ ಕಾಯ್ದೆಯು ಸರ್ಕಾರಿ ಇಲಾಖೆಗಳು/ಸಂಸ್ಥೆಗಳು ಕೆಳಗೆ ಕಾಣಿಸಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಾಯ್ದೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಲಾಗಿದೆ.

ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳು ಮತ್ತು ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗಳು, ಪಟ್ಟಣ ಪುರಸಭೆಗಳು ಅಥವಾ ಪಟ್ಟಣ ಪಂಚಾಯತಿಗಳು ಅಥವಾ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಗಳು ಕೈಗೊಳ್ಳುವ

- (i) ಯಾವುದೇ ಕಿರು ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯ ಅನುಷ್ಠಾನ ಅಥವಾ ಶಾಲಾಕೊಠಡಿಗಳ ನಿರ್ಮಾಣದ ಕಾಮಗಾರಿಯ ವೆಚ್ಚ ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳಿಗೂ ಮೀರದಂತಿದ್ದರೆ.
- (ii) ಇತರೆ ಯಾವುದೇ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸರಕು ಖರೀದಿ ಸಂಗ್ರಹಣಾ ವಸ್ತು ಅಥವಾ ಸೇವೆಯ ಮೌಲ್ಯ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳಿಗೆ ಮೀರದಂತಿದ್ದರೆ.

5. ಈ ಸಂಬಂಧ ಮೇಲ್ಕಾಣಿಸಿದ ಕಾಯ್ದೆಗೆ ತಿದ್ದುಪಡಿ ಮಾಡಿದ ನಂತರ ಹಲವಾರು ಇಲಾಖೆಗಳು, ಸಂಸ್ಥೆಗಳು ವ್ಯಕ್ತಪಡಿಸಿರುವ/ಕೋರಿರುವ ಅಭಿಪ್ರಾಯಗಳ ಕುರಿತಂತೆ ಪರಿಶೀಲಿಸಿ ಕೆಳಕಾಣಿಸಿದ ಸ್ಪಷ್ಟೀಕರಣಗಳನ್ನು ನೀಡಲಾಗಿದೆ.

“ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ, 1999ರ ಕಲಂ 26ರಲ್ಲಿ ತಿಳಿಸಿದಂತೆ ಸದರಿ ಕಾಯ್ದೆ ಅನ್ವಯಿಸದಿರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಕಾಯ್ದೆ ಜಾರಿಗೆ ಬರುವ ಮುನ್ನ ಇಲಾಖೆಯಲ್ಲಿ ಪಾಲಿಸುತ್ತಿದ್ದ ನಿಯಮಗಳು, ಇಲಾಖಾ ಸಂಹಿತೆ, ಆದೇಶ ಇತ್ಯಾದಿಗಳು ಪಾಲಿಸಬೇಕಾಗುತ್ತದೆ ಎಂದು ತಿಳಿಸಲಾಗಿದೆ. ಆ ಪ್ರಕಾರ ಮೇಲೆ ತಿಳಿಸಿದ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ ಅನ್ವಯಿಸದೆ ಇರುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಕಲಂ 26 ರ ಪ್ರಕಾರ ಕ್ರಮ ಜರುಗಿಸಬೇಕು. ಐದು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಅಥವಾ ಎರಡು ಲಕ್ಷಗಳ ವರೆಗೆ ಕೈಗೊಳ್ಳುವ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ ಹಾಗೂ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಮೌಲ್ಯದ ವರೆಗೆ ಖರೀದಿಸುವ/ಕೈಗೊಳ್ಳುವ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ ಹಾಗೂ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಮೌಲ್ಯದ ವರೆಗೆ ಖರೀದಿಸುವ/ಪಡೆಯುವ ಸರಕು/ಸೇವೆಗಳ ಸಂದರ್ಭದಲ್ಲಿ ಈಗಾಗಲೇ ಜಾರಿಯಲ್ಲಿರುವ ನಿಯಮಗಳನ್ನು ಇಲಾಖಾ ಸಂಹಿತೆಗಳು ಸರ್ಕಾರಿ ಆದೇಶ/ಸೂಚನೆಗಳಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು. ಸರ್ಕಾರಿ ಆದೇಶ ಸಂ:ಪಿಡಬ್ಲ್ಯೂಡಿ 1 ಎಫ್‌ಸಿಆರ್ 93, ದಿನಾಂಕ: 15.12.1994ರ ಪ್ರಕಾರ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ವರೆಗೆ ಮಾತ್ರ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯಲ್ಲಿ ತುಂಡುಗುತ್ತಿಗೆ ನೀಡಲು ಅವಕಾಶ ಇರುತ್ತದೆ. ಆದುದರಿಂದ ಐದು ಲಕ್ಷ ರೂಪಾಯಿ ಅಥವಾ ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ವರೆಗಿನ ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಳ್ಳುವಾಗ ಹಾಗೂ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ವರೆಗೆ ಸರಕು ಖರೀದಿ ಅಥವಾ ಸೇವೆಗಳನ್ನು ಪಡೆಯುವಾಗ ಟೆಂಡರ್ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸಬೇಕು. ಹಾಗೆಯೇ ಐದು ಲಕ್ಷ ರೂಪಾಯಿಗಳು ಅಥವಾ ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ವರೆಗಿನ ಕಾಮಗಾರಿಗಳನ್ನು ಇಲಾಖಾ ವತಿಯಿಂದ ನಿರ್ವಹಿಸಲು ಸಂಬಂಧಿಸಿದ ಇಲಾಖೆಗಳಲ್ಲಿ ಸ್ವಾಯತ್ ಸಂಸ್ಥೆ, ನಿಗಮ, ಮಂಡಳಿಗಳಲ್ಲಿ ಅವಕಾಶ ಇದ್ದರೆ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಹುದಾಗಿದೆ. ತಿದ್ದುಪಡಿ ಕಾಯ್ದೆಯಲ್ಲಿ ತಿಳಿಸಿರುವ ಪ್ರಕರಣಗಳ ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ, 1999 ಹಾಗೂ ನಿಯಮಗಳು, 2000 ಉಪಬಂಧಗಳನ್ನು ಮಾತ್ರ ಪಾಲಿಸಬೇಕಾಗಿಲ್ಲ. ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಟೆಂಡರ್ ಪ್ರಕ್ರಿಯೆಯಂತೆಯೇ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕು ಹಾಗೂ ಕಾಯ್ದೆಯ ಕಲಂ 26 ರಲ್ಲಿ ಕಾಣಿಸಿರುವ ಇಲಾಖಾ ಸಂಹಿತೆ, ನಿಯಮಗಳು, ಸರ್ಕಾರಿ ಆದೇಶಗಳಂತೆ ಕ್ರಮ ಜರುಗಿಸಬೇಕು ಎಂದು ಸ್ಪಷ್ಟಪಡಿಸಲಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಕಾಯ್ದೆಯಲ್ಲಿ ಈ ಮುಂಚೆ ಇದ್ದ ಅವಕಾಶ ಹಾಗೂ ತಿದ್ದುಪಡಿ ನಂತರ ಮಾಡಲಾದ ಅವಕಾಶದ ವಿವರಗಳನ್ನು ಲಗತ್ತಿಸಿದ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿದೆ.”

(ಚಿರಂಜೀವಿ ಸಿಂಗ್)

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ.

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ, 1999 ಕಲಂ 4(ಇ) ಅಡಿಯಲ್ಲಿ ಈ ಮುಂಚೆ ಇದ್ದ ಅವಕಾಶಗಳು ಹಾಗೂ ನಂತರ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ, 2001ರಲ್ಲಿ ಕಲಂ 4(ಇ) ಮತ್ತು (ಇಇ) ರಲ್ಲಿ ಮಾಡಲಾದ ಅವಕಾಶಗಳ ಬಗ್ಗೆ ಹೋಲಿಕೆ ಪಟ್ಟಿ.

ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು	ಕ.ಸಾ.ಸಂ.ಪಾ.ಕಾಯ್ದೆ 1999ರ ಕಲಂ 4(ಇ) ರಲ್ಲಿ ಇದ್ದ ಅವಕಾಶಗಳು		ಕ.ಸಾ.ಸಂ. ಕಾಯ್ದೆ 2001ರ ಕಲಂ 4(ಇ) ಮತ್ತು 4(ಇಇ) ರಲ್ಲಿ ಇರುವ ಅವಕಾಶಗಳು	
	ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳು	ಸರಕುಗಳ ಖರೀದಿ	ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗಳು	ಸರಕುಗಳ ಖರೀದಿ
ಸರ್ಕಾರಿ ಇಲಾಖೆಗಳು	5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ
ರಾಜ್ಯ ಸಾರ್ವಜನಿಕ ಉದ್ಯಮಗಳು,	ಅವಕಾಶ ಮಾಡಿರಲಿಲ್ಲ	ಅವಕಾಶ ಮಾಡಿರಲಿಲ್ಲ	5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ
ಮಂಡಳಿ, ನಿಗಮಗಳು				
ಜಿಲ್ಲಾ ಪಂಚಾಯತ್‌ಗಳು, ನಗರ ಮುನಿಸಿಪಲ್ ಕಾರ್ಪೊರೇಷನ್‌ಗಳು, ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳು, ಹೈದ್ರಾಬಾದ್ ಕರ್ನಾಟಕ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ, ಮಲೆನಾಡು ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ	2 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ (ಕಿರುನೀರು ಸರಬರಾಜು ಮತ್ತು ಶಾಲಾ ಕಟ್ಟಡಗಳ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ) 1 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ ಇತರೆ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ)	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ 1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ 5.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ 1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ
ಬೈಲು ಸೀಮೆ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿ ಗ್ರಾಮ ಪಂಚಾಯ್ತಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯ್ತಿಗಳು, ಪಟ್ಟಣ ಮುನಿಸಿಪಲ್ ಕೌನ್ಸಿಲ್‌ಗಳು, ಪಟ್ಟಣ ಪಂಚಾಯ್ತಿಗಳು ಮತ್ತು ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಿಗಳು	2 ಲಕ್ಷ ರೂ.ಗಳವರೆಗೆ (ಕಿರುನೀರು ಸರಬರಾಜು ಮತ್ತು ಶಾಲಾ ಕಟ್ಟಡಗಳ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ) 1 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ ಇತರೆ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ)	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ	2 ಲಕ್ಷ ರೂ.ಗಳವರೆಗೆ (ಕಿರುನೀರು ಸರಬರಾಜು ಮತ್ತು ಶಾಲಾ ಕಟ್ಟಡಗಳ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ) 1 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ ಇತರೆ ಕಾಮಗಾರಿಗಳ ಬಗ್ಗೆ)	1.00 ಲಕ್ಷ ರೂ.ಗಳ ವರೆಗೆ

Notification

No. PWD 33 FC-III/2001 Bangalore, Dated, 10th December 2001

CIRCULAR

Sub: Clarifications regarding Karnataka Transparency in Public Procurement Act, 1999 and Rules, 2000 - reg. Printing of 'Nil' Bulletin.

Ref: Circular No. PWD 33 FC-III/2001. dt: 21.3.2001

In circular No. PWD 33 FC-III/2001 Dt. 21.03.2001 at para 2 it was asked that if a particular week there is no information to publish in tender bulletin, then a 'Nil' report be published and circulated. Now the Dept. of PA&L has opined that there is no provision under Rule 4,6 & 7 of KTPP rules, 2000 for publishing Nil report of tender bulletin. It is therefore considered to delete the following from para 2 of the circular.

"If in a particular week there is no information to publish in the tender bulletin, then a "Nil" report be published and circulated".

All the Tender Bulletin Officers are hereby informed that they should not publish and circulate Nil report of tender bulletin if there is no information in a particular week.

CHIRANJEEVI SINGH

Principal Secretary
Finance Department.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

No. PWD 33 FC-III/2001 Bangalore, Dated, 10th December 2001

Sub: Creation of a Procurement Cell in the Finance Department.

Preamble :

In the Country Procurement Assessment Report (CPAR), it was recommended that a central unit may be set up to be solely responsible for framing policy and rules and for oversight of public procurement. The unit shall monitor the implementation of the KTPP Act and Rules interpret their provisions, issue clarifications and generally provide guidance in their implementation and receive feedback and periodic reports on the progress of implementation. The Unit shall also be responsible to prepare and issue the set of Standard Tender Documents. The Unit should have a web page in which it will publish the Act, Rules, Standard Tender Documents and other policy directives. The unit may be placed directly under the Principal Secretary in the Finance Department.

In the meeting held on 29.9.2001 under the Chairmanship of the then ACS & Principal Secretary, Finance Department. it was agreed to have a Central Unit for framing policies, Rules and Supervisions of procurement. To start with a committee consisting of an engineer member, Finance member and a Law representative may be formed as a procurement cell in the Finance Department for one year. After one year the ACS agreed to have a statutory authority creation with technically qualified people from different departments and it can be monitored electronically WEB pages through internet etc. Accordingly a Procurement Cell has to be created in the Finance Department. Hence this order.

**GOVERNMENT ORDER NO. PWD 1359 SO.FC/2001, BANGALORE,
DATED 15th DECEMBER 2001.**

In the circumstances explained in the preamble, Government are pleased to create The Procurement Cell in the Finance Department, as here under.

- | | |
|---|------------------|
| 1. Principal Secretary Finance Department | Chairman |
| 2. Representative of Public works Department | member |
| 3. Representative of Law Department | member |
| 4. Representative of Department of Parliamentary
Affaris & Legislation | |
| 5. Special Officer & Ex-officio Deputy Secretary
PWD (Finance Cell) | member |
| 6. Secretary (Expenditure), Finance Department | Member Secretary |

The above procurement cell will have a tenure of One year from the date of issue of this Order.

By Order in the name
of the Governor of Karnataka

M.N. Seshappa
Special Officer & Ex-officio
Deputy Secretary to Government
PWD (Finance Cell).

GOVERNMENT OF KARNATAKA

No. PWD 389 FC-3/2001(part)

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 30.01.2002**CIRCULAR****Sub:** Price preference to SSI units-Amendment to KTPP Rules, 2000-clarification reg.**Ref:** 1) Notification No.PWD/389/FC-3/2001 Dated 30-08-2001.

2) U.O. Note No. CI 167 SPI 2001 dt. 2.1.02.

The C&I Dept. has requested the F.D to modify the notification dated 30-8-2001 relating to 15% price preference to the Small Scale Industries as it is affecting a large number of SSI units while quoting for tenders along with Large & Medium Industries from within and outside the state.

In rule 25 of KTPP Rules. 2000 it is mentioned about the procedures to be followed for determination of the lowest evaluated price. As per the said rule the lowest quoted tender only should be accepted. The C&I Dept. has requested to amend the KTPP Act, 1999 to consider the tenders of the small scale industries of the state by giving 15% price preference as announced in the new industrial policy. Accordingly the matter was examined in consultation with the Dept. of Parliamentary Affairs and Legislation and the Notification No. PWD 389 FC-3: 2001 dated 30.8.2001 was issued. In the said notification it was indicated that for a period of 5 years from 1.4.2001 small scale industries of the state shall be given 15% price preference in accordance with the New Industrial policy, 2001-2006 issued by the GO No. CI 167 SPI 2001 dated 30th June 2001 while determining the lowest evaluated price.

It appears that many procurement entitles have been interpreting differently, the above notification and this has affected the finalisation of the tenders. Therefore following clarifications are issued in respect of the above notification relating to 15% price preference to be considered while determining the lowest evaluated price in respect of small scale industries for finalizing the tender.

1) Upto 15% price preference for evaluation should be allowed to SSIs of the state who have quoted in the same tender application, the 15% price preference should be calculated on the basis of the lowest quoted rate if it is quoted by a large or a medium industry/SSI of another State.

2) The lowest bids by the SSI unit within the 15% price preference range shall be deemed to be the lowest evaluated price and shall be given preference for awarding the tender.

3)The following Illustration is given to make it clear:

L1	L2	L3	L4
L&MI/SSI. of another state	SSI. of the state	SSI of the state	SSI of the state
Rs.100	Rs.108	Rs.112	Rs.115

Range of price preference is upto Rs.115, ie. Rs.100+15% of Rs.100.

The SSI units L2, L3 and L4 are eligible to be considered. Tender is to be awarded to L2 at Rs.108 as it is the lowest evaluated price.

Accordingly all the procurement entitles are hereby asked to follow the above procedure, while determining the lowest evaluated price of SSI units of state.

Chiranjiv Singh
Principal Secretary to Govt.
Finance Department

ಸಂ: ಲೋಇ:84:ಆಕೋ 3:2001 ಬೆಂಗಳೂರು ದಿನಾಂಕ 25.02.2002

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ 1999 ಮತ್ತು ನಿಯಮಗಳು 2000ರ ಪ್ರಕಾರ ವೆಬ್ ಸೈಟ್‌ನಲ್ಲಿ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ಗಳನ್ನು ಪ್ರಕಟಿಸಲು ಪ್ರಾಪ್ತಿ ಮುಖಾಂತರ ಮಾಹಿತಿ ಸಲ್ಲಿಸುವ ಬಗ್ಗೆ

ಉಲ್ಲೇಖ: ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಪಿ.ಡಬ್ಲ್ಯೂ.ಡಿ. 33 ಎಫ್.ಸಿ.3:2001, ದಿನಾಂಕ 21.03.2001

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999, ನಿಯಮಗಳು 2000ದ ನಿಯಮ 4(1) ಮತ್ತು 4(2) ರ ಪ್ರಕಾರ ಪ್ರತಿ ಇಲಾಖೆಗೆ ಹಾಗೂ ಜಿಲ್ಲೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿರ್ಮಾಣ ಮತ್ತು ಸರಕುಗಳ ಸರಬರಾಜು ಮತ್ತು ಸೇವೆಗಳ ಪೂರೈಕೆಗಾಗಿ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ : ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ನ್ನು ಪ್ರತಿ ವಾರದಲ್ಲಿ (ಮಾಹಿತಿ ಇದ್ದರೆ ಮಾತ್ರ) ಕೊನೆಯ ಪಕ್ಷ ಒಂದು ಬಾರಿ ಪ್ರಕಟಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಆ ಪ್ರಕಾರ ಕ್ರಮ ಜರುಗಿಸಲು ಈಗಾಗಲೇ ಉಲ್ಲೇಖಿತ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಸೂಚಿಸಲಾಗಿತ್ತು.

ಈಗ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಮತ್ತು ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ಗಳನ್ನು ವೆಬ್‌ಸೈಟ್‌ನಲ್ಲಿ ಸಹ ಪ್ರಕಟಿಸಲು ತೀರ್ಮಾನಿಸಲಾಗಿದೆ. ಆದುದರಿಂದ ಇನ್ನು ಮುಂದೆ ಎಲ್ಲಾ ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್:ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗಳು ಸಂಬಂಧಪಟ್ಟ ಜಿಲ್ಲಾ:ರಾಜ್ಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್‌ಗೆ ಸಂಬಂಧಿಸಿದ ಪೂರ್ಣ ಮಾಹಿತಿಗಳನ್ನು ಪ್ರಾಪ್ತಿಯಲ್ಲಿ ವಾರ್ತಾ ಮತ್ತು ಪ್ರಚಾರ ಇಲಾಖೆ ನಿರ್ದೇಶಕರಿಗೆ ಕಳುಹಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ. ಈ ರೀತಿ ನೀಡಿದ ಮಾಹಿತಿಗಳನ್ನು ವೆಬ್‌ಸೈಟ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸಲು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.

ಆದುದರಿಂದ ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಕಾರ್ಯದರ್ಶಿಗಳು ತಮ್ಮ ಇಲಾಖೆಯ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಸೂಚನೆ ನೀಡಲು ಕೋರಿದೆ. ಜಿಲ್ಲಾ ಟೆಂಡರ್ ಬುಲೆಟಿನ್ ಅಧಿಕಾರಿಗಳಾದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಕ್ರಮ ಜರುಗಿಸಲು ಸಹ ಸೂಚಿಸಲಾಗಿದೆ. ಈ ಸೂಚನೆಗಳನ್ನು ಕಟ್ಟು ನಿಟ್ಟಾಗಿ ಪಾಲಿಸಲು ಕೋರಿದೆ.

(ಚಿರಂಜೀವಿ ಸಿಂಗ್)

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Procurement Reforms – Constitution of Standing Committee for implementation.

Read: Minutes of Preliminary meeting held on 15th May 2002 to start with the procurement reform process.

Preamble:

In pursuance of the Standing Committee meeting held on May 15th 2002, it was decided to constitute a Working Group Committee for implementation of the Procurement Reforms Action Plan on the recommendations of the Country. Procurement Assessment Report (CPAR), Karnataka. Hence this Order.

**GOVERNMENT ORDER NO. PWD 1359 SO/FC 2001, BANGALORE,
DATED: 5th AUGUST 2002**

In the circumstances explained in the Preamble, Government is pleased to constitute a Standing Committee of the following Officers for implementation of the Procurement Reforms Action Plan on the recommendations of CPAR Karnataka.

1. Ashok Kumar C. Manoli, IAS., Secretary (Expenditure) Chairman
Finance Department
2. Sri A.N. Srinivasa, Joint Secretary, PWD
3. Smt. H.S. Kamala, Deputy Secretary, Law Department (Opinion)
4. Sri Tapan Senapathi I/c Director, Stores Purchase, Department
5. Sri M.C. Krishna Murthy, Special Officer, Computer Cell, Finance Dept.
6. Dr. Shanta Raju, Chief information Officer, P.W.D.
7. Sri. K.N. Venkararaman, Procurement Consultant World Bank.
8. Sri M.N. Seshappa Special Officer & Ex-officio Deputy Secretary, PWD
(Finance Cell). .. Convenor.

The Committee shall meet frequently and informally, discuss and examine all the aspect of the implementation of the Action Plan.

Depending on the nature of the issues involved the committee shall co-operate other members/experts as and when needed.

The Committee shall make recommendations to the State Procurement Cell and for review and issue of orders/directives.

The Committee shall start work immediately.

By Order and in the name Governor of the Karnataka

M.N. Seshappa
Special Officer & Ex-officio
Deputy Secretary to Government
PWD (Finance Cell).

The Committee shall make recommendations to the Standing Committee.

The Committee shall start work immediately.

By Order and in the name of
the Governor of the Karnataka

M.N. Seshappa
Special Officer & Ex-officio
Deputy Secretary to Government
PWD (Finance Cell).

GOVERNMENT OF KARNATAKA

NO. PWD 1359 SO/FC 2001(P-2)

Karnataka Government Secretariat,
Vidhana, Soudha,
Bangalore, dated 25th October 2002**CIRCULAR**

Subject: Awarding of contracts to the lowest evaluated technically and Commercially responsive tenderer meeting the prescribed Qualification criteria including tender capacity and past Performance.

It has come to the notice of the Government that some Procurement Entities are adopting the practice of splitting the contract (particularly in Goods contracts) among all or some tenderers by offering the price of the lowest tenderer to others and dividing the quantity of Supply evenly or in other proportion. Such practices undermine the rationale of competitive bidding promote collusion and go against the provision of the KTPP Act and Rules.

The provisions of the KTPP Act and Rules provide for only the acceptance of the lowest tender. The lowest evaluated responsive tenderer deserves the full award, if he has satisfied the stipulated qualifying criteria.

The following Provisions in the KTPP Act and Rules are brought to the notice of all Procurement Entities:

- (1) Section 13 of the Karnataka Transparency in Public Procurement (KTPP) Act 1999 lays down that "The Tender Accepting Authority shall, after following such procedure as may be prescribed pass order accepting the tender and shall communicate the information relating to acceptance of tender together with a comparative analysis and reasons for accepting of tender to the procurement entity and Tender Bulletin Officer".
- (2) Rule 21, Chapter, VI of the KTPP Rules 2000 stipulates that "The Tender Accepting Authority shall cause the evaluation of tenders to be carried out strictly in accordance with evaluation criteria indicated in the tender documents"
- (3) Rule 24, details the procedure for the initial examination of tenders to determine substantial responsiveness.
- (4) Rule 25, explains the procedure of determination of the lowest evaluated price.
- (5) Rule 26(1) stipulates that "The tender Scrutiny Committee or the officer inviting the tender shall prepare detailed evaluation report which shall be considered by the Tender Accepting Authority before taking a final decision on the tender."
- (6) Rule 26(2) states that "As soon as the tenderer qualified to perform the contract is identified in accordance with Section 13 of KTPP Act, the Tender Accepting Authority shall pass order accepting the tender and communicate the order of acceptance to the successful tenderer...."

From the above provisions in the KTPP Act and Rules, it is clear that the Contract should be awarded only to the lowest evaluated technically and commercially responsive tenderer, who meets the prescribed qualification criteria including bid capacity and past performance.

In view of the foregoing, the Government reiterates that when tenders are invited for a specified quantity of Goods, the contract should be awarded only to the lowest technically and commercially responsive tenderer who meets the prescribed qualification criteria including bid capacity and past performance.

The above instructions shall apply to all Government Departments, Boards Corporations, Societies, Government Autonomous organizations, Universities, Panchayat Raj institutions, Municipal Corporations, Local bodies etc for which KTPP Act and Rules are applicable.

All Procurement Entities shall ensure that the above instructions are followed strictly in respect of all contracts irrespective of the funding agency. It may be noted that any violation of the KTPP Act, 1999 and Rules, 2000 attracts the penal provision under Section 23 of the Act.

The above instructions do not apply to tenders for fixing Rate Contracts, for which instructions would be issued separately.

(Chiranjiv Singh)
Principal Secretary to Government,
Finance Department.

GOVERNMENT OF KARNATAKA

NO. PWD 1359 SO/FC 2001(P-2)

Karnataka Government Secretariat,
Vidhana, Soudha,
Bangalore, dated 25th October 2002**CIRCULAR**

Subject : Procurement Planning, Packaging and Scheduling and making Available funds to match with the requirement as per approved Procurement Plan.

It is noticed that adequate attention is not given to Procurement Planning, which is an integral phase of Procurement process. Planning of packages is an important activity, which needs to be finalized before taking up a project for implementation. In most of the cases, planning of packages is not driven by the needs of the project (to ensure quality and timely completion to achieve the project objectives), but rather by the sanctioning powers, readiness of the designs, drawings and estimates at particular point of time, availability of contracts and their specialization, fund availability etc. The pros and cons of centralized and decentralized procurement, bulking of procurement (in respect of Goods), small versus big packages for works, packaging and slices do not seem to have been examined thoroughly in most of the projects. There are no approved Packaging Plans and Procurement Schedules (which determines the timing of the various procurement activities such as invitation of tender, sale of tender documents, receipt of tenders, preparation of evaluation report, award decision, signing of contract, period of achievement of milestones/delivery schedule, time of completion of works/supplies) for most of the projects. Usually the field officers decide on the packaging as the implementation of the project proceeds and invite tenders on that basis. All these lead to haphazard completion of works and commitment of scarce financial resources without realizing the project objectives.

No specific codal provisions on this aspect exist. However, Para 192(b) of the KPWD Code volume I refers to the splitting of contracts. It reads as follows: "It is permissible to give out different contracts to a number of contractors relating to one work, even though such work may be estimated to cost more than the amount up to which the officers are empowered to accept the tenders. This splitting of the work should be resorted to only in exception cases, in the interest of the speedy execution of works or when the nature of the work is such that if any difficulty for a single agency to execute its various aspects, subject to obtaining prior approval of the authority who is competent to accept the tender for the work as a whole. In case more than one contract is awarded to the same contractor at the same time or one after the other the sanction of the authority who is competent to accept the total of such tenders and not the authority who can accept each tender with reference to value of each contract is to be obtained." The principle behind packaging appears to be the technical requirement, need for speedy execution, preparedness to invite tenders and the expected competition.

In view of the above the following instructions are issued:

- (1) The pros and cons of centralized versus decentralized procurement, bulking of procurement (for Goods) and small versus big packages for works, packaging and slices are to be thoroughly examined, keeping in view the implementation Plan of the project;
- (2) After the packages are decided and approved, the appropriate Method of Procurement and Procurement Schedule (Showing the timing of the various procurement activities) should be framed depending on the value of the packages;
- (3) This Procurement Schedule should form the basis of the preparation of designs and specifications, to match the invitation of tenders;
- (4) The Procurement Plan should be used as a template for monitoring thus helping with timely recognition of problems and also in taking timely corrective action;
- (5) The Procurement Plan should be used to help all participants to the procurement process to understand the sequence and timing of the procurement action (stages), their contributions and responsibilities at each stage and who is responsible at the next stage;
- (6) The Procurement Plan should be used to record the progress of planned action thus supporting monitoring of performance of the responsible unit and the staff; and
- (7) The Procurement Plan and Schedule Should form the basis for working out requirement of funds and its release to the implementing Agency. If the work is contemplated to be completed within a year full provision, if within 2 years 40% and 60% for I & II year and if it is 3 years 30%, 40% and 30% for 1, II & III year shall be provided. No tender should be awarded without having grant as indicated.

Authorities should ensure that these instructions are followed strictly in respect of all projects irrespective of the funding agency.

The above instructions shall apply to all Government Departments, Government Corporations, Societies, Semi Government Autonomous Organizations, Universities, Panchayat Raj Institutions, Municipal Corporations, Local Bodies, etc, for which KTPP Act and Rules are applicable.

(Chiranjiv Singh)
Principal Secretary to Government,
Finance Department.

GOVERNMENT OF KARNATAKA

NO.PWD 1359 SO/FC 2001(P-2)

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 3rd December 2002

CIRCULAR

Subject: Guidelines of conducting negotiations before award of the contract.

1. It is observed that the Tender Accepting Authorities of Government Departments, State Government Undertakings, Local Authorities, Autonomous bodies and Corporations established by or under law and owned and controlled by the Government, sometimes negotiate with the lowest tenderer, before passing order accepting the tender in terms of Sub Para 3 under Section 13 of the KTPP Act.

2. It has to be recognized that:

- Negotiations even with the lowest tenderer defeats the very ethics of competitive tendering and should not be resorted solely for the purpose of reduction of rates;
- When negotiations are conducted in a routine manner, there is every possibility that the tenderer would have jacked up the prices considerably and would reduce the prices marginally to satisfy the Employer/Purchaser with the result that the Employer/Purchaser may in most cases end up paying more than real cost of the work/goods;
- Negotiations very often leads to delay in award of the contracts; and
- Negotiations opens up opportunities for corruptive practices.

3. After careful consideration of the practices being followed in the various organizations the following Guidelines are issued for conducting negotiations, if needed be, in respect of Works Contracts.

3.1 Negotiations solely for the purpose of obtaining lower prices would be appropriate only in exceptional circumstances, such as lack of competition (less than three), single bid, suspected collusion, or where the lowest evaluated responsive bid is substantially above the estimated cost. In such cases also, the first choice is for rejection of all tenders and reinviting fresh tenders.

3.2 A substantially high tender is defined as under;

Period of contract and provision of Price Adjustment	Update Estimated cost of the .. Work .. Upto Rs. 20 lakhs.	Updated Estimated cost of the Work Rs. 50 lakhs and above
(a) Contracts where price	10% above the update estimate or	10% above the updated* estimate	10% above the updated* estimate

adjustment is not provided	Rs. 1 lakh whichever is more	..	updated* estimate
(b) Contracts where price adjustment is provided from the date of tenders	Does not arise ...	Does not ...	5% above the updated estimate or Rs.5,00,000 whichever ever is more.

* Estimate based on the current rates of labour and materials such as cement, steel and other key materials.

- 3.3 In all cases where the tenders amount is not substantially high (refer definition of substantially high given in Para 3.2 above), the Tender Accepting Authority shall pass orders accepting the lowest evaluated responsive and qualified tender only.
- 3.4 In respect of exceptional cases, as listed in para 3.1 above (other than those that are considered substantially high), the Tender Scrutiny Committee or the Evaluating Officer as the case may be, depending on the value of contract may choose to propose to the Tender Acceptance Authority to reject all tenders and reignite fresh tenders or negotiate. In case the proposal is for rejection and reinvitation, the causes leading to the rejection, shall be examined by the Tender Scrutiny Committee or the Evaluating Officer, who shall propose the changes, if any, to be made in the estimated cost, specifications, provisions in the Special Conditions of Contract or packaging, before reinviting the tenders.
- 3.5 The Tender Accepting Authority shall pass orders for reinviting tenders with changes if any on the tender document. Pre-tender conference shall be held to explain the qualification criteria, specifications and conditions of contract and clarify any reservations if any to the prospective tenderers. The reservations if any pointed out by the prospective tenderers shall be made in the bidding documents.
- 3.6 After reentering the tenders shall be processed as per 3.1, 3.2 and 3.3 above.
- 3.7 In respect of tenders which are determined high in terms of Para 3.2 above the Tender Scrutiny Committee or the Evaluating Officer as the case may be, depending on the value of the contract, shall (i) identify the item (s) for which the rates are considered high and are contributing to the increase; (ii) get the break up of rates (s) from the lowest evaluated responsive tenderer and make a through examination of the reasonableness. If the Tender Scrutiny Committee or the Evaluating Officer is satisfied with the explanation by the tenderer it shall make its recommendation for the acceptance of the tender.
- 3.8 In case where the Tender Scrutiny Committee or the Evaluating Officer decides in favour of negotiation (in all exceptional cases listed in para 3.1

above), he shall seek the permission of the Tender Acceptance Authority, detailing the reasons and the points on which negotiations are proposed to be conducted. The Tender Accepting Authority shall after careful examination of the proposals approve the points (including the change in scope, specifications, packaging etc.) on which negotiations are to held, appoint a Negotiating Committee consisting of Tender Inviting Authority, a representative of the Tender Scrutiny Committee or the Evaluation Officer and Tender Accepting Authority. The Committee shall conduct negotiations on the approved points and make a record of the proceedings of the negotiations. The Committee shall submit the proceedings to the Tender Accepting Authority for taking decision. If the negotiations are successful and the Tender Accepting Authority accepts the recommendation of the Negotiating Committee, the tender is accepted at the negotiated rates/terms and conditions and contract is concluded.

- 3.9 If the negotiations fail, the Tender Accepting Authority shall issue orders on the future course of action to be taken by the Tender Inviting Authority, which may include adoption of revised procurement strategy (to include repackaging, execution by departmental forces/facilities etc.)
4. In respect of Procurement of Goods, since there are no Schedule of Rates and rates for equipment/goods satisfying the minimum functional requirements vary widely, depending upto the quality, specifications of the material input, award should generally be made to the tenderer who is technically and commercially responsive and meets the stipulated qualification criteria and who is determined to perform the contract satisfactorily. If the tendered rate is considered unreasonable (one of the method of determining the reasonableness being the comparison with the market rate for the same brand and specification of equipment,) negotiations shall be conducted with the lowest tenderer. The procedure as outlined in Para 3.7 and 3.8 above should be adopted scrupulously. Here also the first choice would be to reject and reinvite the tenders, after analyzing the causes leading to the rejection of tenders.

5.0

- 5.1 The above instructions are applicable only to Works/Goods tenders received against notice inviting competitive tenders and not for Consultancy Proposals, for which separate instructions would follow. It is also not applicable for tenders invited to fix rate contracts.
- 5.2 The above instruction shall apply to all Procurement Entities as defined in Section 2(d) Chapter I of the KTPP Act.
- 5.3 The above Guidelines shall not be applicable to tenders invited for Projects funded by International Financial Agencies or Projects covered under International Agreements for which the rules of funding agencies shall apply (Refer Section 3 of KTPP Act)

6. Procurement Entities shall ensure that the above Guidelines are followed strictly. It may be noted that any violation of the KTPP Act 1999 and Rules 2000 attracts the penal provision under Section 23 of the Act.

(Approved by Principal Secretary
Finance Department)

M.N. Seshappa
Special Officer & Ex-officio
Deputy Secretary to Government
PWD (Finance Cell).

2. In view of the foregoing the following instructions are issued:

- (i) The qualification criteria to check the requisite resources required for the satisfactory performance of the contract should be appropriately incorporated in the pre-qualification and tender documents for works and goods³
- (ii) The pre-qualification documents and the tender documents following Two-cover system should have stipulations to check the aggregate of the qualifying criteria of the individual contracts, when the tenderer is lowest for more than one contract and also check the Available Tender Capacity⁵ of the

³See Attachment I

4. The model clause that should be incorporated in the tender document could be as follows:

"To qualify for a package of contracts made up of this and other contracts for which tenders are invited in this ITT (invitation for tenders), the tenderer must demonstrate having experience and resources sufficient to meet the aggregate of the qualifying criteria for the individual contracts."

5. The model clause that should be incorporated in the tender document of works could be as follows:

"Tenders who meet the minimum qualification criteria will be qualified only if their available Tender capacity is more than the total tender value. The available tender capacity will be calculated as under.

Assessed Available Tender Capacity ($A \cdot N \cdot 1.5 - B$)

Where

A=Maximum value of civil engineering works executed in any one year during the last five years (updated to.....* price level) taking into account the completed as well as works in progress:

N= Number of years prescribed for completion of the works for which tenders are invited

B=Value at.....* price level, of existing commitments and on-going works to be completed during that next.... year (period of completion of the works for which the tenders are invited)"

For Goods:

"Tenderers who meet the minimum qualification criteria will be qualified only if their available Tender capacity is more than the total tender value. The available tender capacity will be calculated as under:

lowest evaluated responsive tenderer who satisfies the aggregate qualifying criteria. The tendere would be prequalified/award the contract only if he satisfies the aggregate qualification criteria and has the available tender capacity more than the value of the tender under consideration;

- (iii) The tender documents for works/supply estimated to cost more then Rs.20 lakhs, but below Rs.50 lakhs should have post-qualification criteria; which have to be satisfied by the lowest evaluated responsive tenderer both for the aggregate qualification criteria as well as Available Tender Capacity before taking decision on the award of the contract;

- (iv) It is not necessary to separate incorporate qualification criteria in tender documents for works/supply whose estimate cost is less than Rs.20 lakhs. Registration in appropriate class should be sufficient.
- 3.1 The above instructions shall apply to all Procurement Entities as defined in Section 2(d) Chapter I of the KTPP Act.
- 3.2 Authorities should ensure that these instructions are followed strictly in respect of all projects irrespective of the funding Agency.
4. Procurement Entities shall ensure that the above Guidelines are followed strictly, It may be noted that any violation of the KTPP Act 1999 and Rules 2000 attracts the penal provision under Section 23 of the Act.

Attachment: Attachment I

(Approved by Principal Secretary
Finance Department)

M.N. Seshappa
Special Officer & Ex-officio
Deputy Secretary to Government
PWD (Finance Cell).

Assessed Available Tender Capacity = $(A*N-B)$

Where

A= Licensed capacity for the item of supply;

N= Number of years prescribed for completion of the supplies for which tenders are invited

B=Number of existing commitments to be supplied during the next.... years (period of completion of the supplies for which the tenders are invited)"

Attachment - I

MODEL QUALIFICATION CRITERIA FOR WORKS AND GOODS

The model Clause for **Works contract** shall be as follows:

"To qualify for award of the contract, each tenderer in its name should have in the last five years i.e.....

- (i) Achieved, in at least two financial years, a minimum annual financial turnover (in all classes of civil engineering construction works only) of Rs.....@ (usually not less than two times the estimated annual payments under the contract);
- (ii) Satisfactorily completed (not less than 90% of contract value), as a prime contractor, at least **one similar work** (Define) of value not less then Rs.....@ (usually not less than 50% of the estimated value of the contract);
- (iii) Executed in any one year, the following minimum quantities of work; (usually 80% of the expected peak rate of construction for 3 or 4 critical items which account for more than 60% of the total cost of the work);

.....

The tenderer or his identified sub-contractor should have executed..... works** totaling to Rs.....@ in any one year

@ at price level. Financial turnover and cost of completed works of previous years shall be given weight age of 10% per year based on the rupee Value of bring them to* price level

* the financial year in which tenders are received.

** repeat for other items of works for which subcontracting would be allowed

The tenderer should

- (a) availability (either owned cr..... or by procurement against mobilization advances) of the following key and critical equipment for this work:

.....

- (b) availability for this work of a Project manager with no less than five years' experience in construction of similar civil engineering works and other key personnel with adequate experience as required; and
- (c) liquid assets and/or availability of credit facilities of no less than Rs..... lakhs (Credit lines/letter of credit/certificated from Banks for meting the funds requirements etc. (usually the equivalent of the estimated cash flow for 3 months in peak construction period)

The model Clause for Goods contract could be as follows:

- (a) The tenderer should be a manufacturer who must have manufactured, tested and supplied the equipment similar to the type, size and complexity

- as specified in the Schedule of requirements up to at least.....%(indicate the percentage as considered as appropriate usually not less than 80% of the requirement) of the quantity required in any one of the last three years;
- (b) The equipment offered for supply must be the most recent series models incorporating the latest improvement in design and must have been in satisfactory operation for a period not less than.... Months on the of tender opening.
 - (c) tenders of tenderers us authorized representative/agent of a manufacturer meeting with the above requirements in full, can also be considered provided.
 - (i) the manufacturer furnishes authorization in the prescribed assuring full guarantee and warranty obligations as per GCC and SCC; and
 - (ii) the tenderer as authorized representative, has supplied, installed and commissioned satisfactorily at least%(indicate the percentage as considered appropriate usually not less than 30% of the requirement) of the quantity similar to the type, size and complexity specified in the Schedule of requirements in any one of the last three years and which must be in satisfactory operation for at least.... Months on the date of tender opening.

Finance Secretariat

Notification

No. PWD/33/FC-3/2003, Bangalore, Dated: 5th March 2003

In exercise of the powers conferred by section 25 of the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Transparency in Public Procurement Rules, 2000, namely:-

1. Title and commencement.- (1) These rules may be called the Karnataka Transparency in Public Procurements (Amendment) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Amendment of rule 2.- In rule 2 of the Karnataka Transparency in Public Procurements Rules, 2000 (hereinafter referred to as the said rules), after clause (c), the following shall be inserted, namely:-

"(d) "Two-stage Tender System" means a procedure under which tenders for turn-key contractors are invited in two stages, the first stage unpriced tender being a technical tender only on the basis of conceptual design or performance specifications subject to technical as well as commercial clarifications and adjustments to be followed by amended tender documents and the submission of final technical proposals and priced tenders in the second stage".

3. Insertion of new rule 28A.- After rule 28 of the said rules, the following rule shall be inserted, namely:-

"28A. Two stage tender system.- (1) In the case of 'turn-key' contracts involving supply, installation, testing and commissioning of specially engineered plant and equipment such as turbines, generators, boilers, switchyard, pumping stations, telecommunications, process and treatment plants and the like for power, water, sewerage, telecommunication and similar projects or procurement of equipment subject to rapid technological advances such as computer and communication systems, where it is undesirable or impractical to prepare a complete technical specifications in advance, two-stage tender system may be adopted.

2) First stage tender will consist of a technical tender only, without reference to the rates and prices for completing the facilities and a list of deviations to the technical and commercial conditions set forth in the tender documents or any alternate technical solution as a tenderer wishes to offer and a justification therefore, always provided that such deviation or alternate solution do not change the basic objective of the contract and that they meet the conceptual design or performance or functional specifications contained in the tender documents.

3) The Tender Inviting Authority shall cause the first stage tender to be opened and evaluate whether the tenderer meets the required minimum acceptable qualification criteria, whether the tenderer has submitted a technically responsive first stage tender and prepare a list of qualified and responsive tenderers.

4) The Tender Inviting Authority shall convene a clarification meeting of all first stage qualified tenderers and review the tender's tender and prepare a memorandum of all required amendments, additions, deletions and other adjustments.

5) The Tender Inviting Authority shall revise the tender documents and specifications to permit new technologies and introduce the right evaluation criteria.

6) Only those tenderers who have submitted a technically responsive and acceptable first stage tender shall be invited to submit Second Stage Tender.

7) The second stage tender shall consist of,-

(a) an updated technical tender incorporating all the changes required by the tender Inviting Authority as recorded in the memorandum prepared in sub-rule (4) or as necessary to reflect any amendments to the tender documents issued subsequent to submission of the first stage tender; and

(b) the commercial tender.

8) All second stage tenders must be accompanied by specified tender security.

9) All second stage tenders (both technical and price) will be opened in the presence of tenderers or their authorised representatives.

10) The two stage tender shall be evaluated and awarded following the procedure specified in rules 25 and 26.

By Order and in the name of the Governor of
Karnataka

K.R. BADIGER
Under Secretary to Government,
PWD (Finance Cell).

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ ಸಂವ್ಯಾಞ 05 ಶಾಸನ 2003, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 27 ನೇ ಮಾರ್ಚ್, 2003

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2003 ಕ್ಕೆ 2003 ರ ಮಾರ್ಚ್ 27 ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2003 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 4 ಎಂಬುದಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

2003 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 4

(2003 ರ ಮಾರ್ಚ್ ಇಪ್ಪತ್ತೇಳನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2003

(2003 ರ ಮಾರ್ಚ್ ಇಪ್ಪತ್ತೇಳನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರಿಂದ ಅನುಮತಿಯನ್ನು ಪಡೆಯಲಾಗಿದೆ)

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 ನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಒಂದು ಅಧಿನಿಯಮ.

ಇಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಕಂಡು ಬರುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 ನ್ನು (2000 ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 29) ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ.

ಭಾರತ ಗಣರಾಜ್ಯದ ಐವತ್ತಾಲ್ಕನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ :-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ :- (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2003 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು.

2. 4 ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ :- ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ, 1999 ರ (2000 ದ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 29) 4 ನೇ ಪ್ರಕರಣದ (ಡಿ) ಖಂಡದಲ್ಲಿ “ಎರಡು ವರ್ಷಗಳಿಗೆ” ಎಂಬ ಪದಗಳಿಗೆ “ಮೂರು ವರ್ಷಗಳಿಗೆ” ಎಂಬ ಪದಗಳನ್ನು ಯಾವಾಗಲೂ ಪ್ರತಿಯೋಚಿಸಲಾಗಿದೆಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಮ.ರಾ. ಹೆಗಡೆ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Procurement Reforms – Constitution of Sub-Committee

Read: Standing Committee/Working Group Meetings

Preamble :

In pursuance of the Standing Committee/Working Group meetings, it was decided to constitute a Sub-Committee to look into the following issues of the Procurement Reforms Action Plan on the recommendations of the Country Procurement Assessment Report (CPAR), Karnataka.

- (i) Measurement Book
- (ii) Registration of Contractors
- (iii) Price adjustment
- (iv) Procedure for submission of Tender Documents
- (v) Introduce Lumpsum, Design and Build and Management contract.
- (vi) Works Documents

Hence this Order.

GOVERNMENT ORDER NO. PWD 122 SO/FC 2003, BANGALORE,

DATED: 8TH MAY 2003

In the circumstances Government is pleased to constitute a Sub-Committee of the following Officers to examine and recommend on the issues mentioned in the preamble.

- | | |
|--|-------------------------------|
| (1) Secretary, PWD | Chairman of the Sub-Committee |
| (2) Chief Engineer, C & B (South) | - Member |
| (3) Chief Engineer Irrigation (South) Mysore | - Member |
| (4) Chief Engineer, Material Management & Purchases, KPTCL | |
| (5) Controller, Stores & Purchases, KSRTC | - Member |
| (6) Chief Engineer, BWSSB
(Material Procurement) | - Member |
| (7) Sri K.N. Venkataraman, Consultant-1
(Procurement), World Bank | - Member |
| (8) Joint Secretary, PWD | - Member Convenor. |

The Committee shall meet regularly and informally, and discuss all the above 5 issues relating to Procurement of goods, services & works and suggest suitable action on each issue as to enable the Government for implementation of the Action Plan as per Country Procurement Assessment Report (CPAR), Karnataka.

The Sub-committee shall start the work immediately and submit its recommendations to the Standing Committee.

By Order and in the name
of the Governor of Karnataka

B.V. Shrikant
Special Officer & Ex-officio
Deputy Secretary to Government,
PWD (Finance Cell).

NO: PWD/409/FC-III/03 DATED: 19.05.03

Sub: Review of KTPP Act 1999 and Rules 2000 regarding.

Government have enacted the KTPP Act to ensure transparency in Public Procurement of Goods and services by streamlining the procedure in inviting, processing and acceptance of tenders by Procurement Entities, and matters related to it. The KTPP Act came into force from 4th October 2000, and related KTPP Rules have been also issued thereafter. In the Act, a provision was made to remove difficulties arising in giving effect to the provisions of the act. Finance Department has issued necessary clarifications and opinions on the KTPP Act as and when the departments, PSU's and other organizations have expressed difficulties in implementation. Finance Department has also considered exemptions whenever it was found necessary and amendments were made keeping in view of the necessity of the departments so as to ease to practical difficulties faced by the departments/PSU's etc.

The act has been invoked for more than two years now and it is desirable to review the act and rules so as to remove any difficulties. I therefore request you to provide feed back to Finance Department on

- (i) Effectiveness of transparency act.
- (ii) Difficulties if any in implementing the act and suggestions to over come them.
- (iii) Any amendments considered necessary with detailed justification and draft proposals.
- (iv) Suggestions if any to strengthen the Transparency Act and any other related matter.

The above details may be furnished to Finance Department within fortnight so that we could examine all the proposals/suggestions/amendments/ any changes to be effected on a comprehensive basis consistent the basic principles of Transparency.

I shall be grateful for an early reply

With regards,

Your Sincerely

(B.K. DAS)

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Core initiative in e-Governance-e-Procurement- Constitution of a Steering Committee – reg.

Preamble:

As part of its e-Governance initiative, it has been decided to explore the possibility of using the e-Procurement platform for enabling departments to procure their requirements. This initiative would introduce best practices in procurements across Government Departments.

The adoption of e-Procurement processes would help in demand aggregation, reduced inventory costs, consistent procurement procedures across the departments, reduction in cost of procurement, the much required transparency in the procurement process and the cost saving due to increased competition through reverse auction. The process would create end to a procurement management linking the suppliers with the departments and other end users. This would be possible through the creation of an e-Procurement platform that would enable procurement of goods and services as well as works contracts.

In order to finalise the details of e-Procurement platform and then to coordinate and implement the project, it is decided to constitute a Steering Committee. Hence the following order.

GOVERNMENT ORDER NO. DPAR 26 EGV 2003 BANGALORE,

DATED 3RD JUNE 2003

In the circumstance explained in the preamble, Government is pleased to constitute a Steering Committee with the following members:

- | | | |
|---|---|----------|
| I. Additional Chief Secretary & Principal Secretary,
(Commerce & Industries Department . | " | Chairman |
| II. Principal Secretary, Public Works Department | " | Member |
| III. Principal Secretary, DPAR (Administrative Reforms) | " | - do - |
| iv. Principal Secretary, Water Resources Department | " | - do - |
| v. Secretary, Public Works Department | " | - do - |
| vi. Secretary, Water Resources Department | " | - do - |
| vii. Secretary, (Budget), Finance Department | " | - do - |
| viii. Secretary (Expenditure), Finance Department | " | - do - |
| IX. Deputy Secretary (PWD cell), Finance Department | " | - do - |
| X. Director, IIIT, Bangalore. | " | - do - |
| XI. Representative of CII, Banagalore | " | - do - |
| XII. Secretary (e-Governance) Convenor and Member | " | - do - |

The Steering Committee would be responsible for

- To finalise detailed requirements of the State Government for the e-tendering process finally culminating into a request for proposal (RFP)
- Evaluation of various service providers available in the market
- Evaluation of offers from bidders and entrusting of work to successful bidder
- Co-ordinating amongst respective Departments and participating agency
- Handling issues, which may arise in actual implementation of e-tendering process
- suggesting to Government amendment to Karnataka Transparency in Public Procurements Act required for facilitating e-tendering process
- Any other issues related to successful implementation of e-tendering process
- The Project implementation Committee shall meet once a month or as and when required. The Committee may co-opt experts as consultants or special invitees to assist the committee in its work as and when required

The financial requirements of the steering committee if any shall be met out of e-Governance head of account 3451-00-090-2-04-e-Governance Project under the control of Secretary (e-Governance), DPAR (AR)

By Order and in the name
of the Governor of Karnataka

Rajeev Chawla
Secretary (e-Governance)
DPAR (Administrative Reforms)

GOVERNMENT OF KARNATAKA

NO. PWD 1359 SO/FC 2001(P-2)

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 30th June 2003.**CIRCULAR****Subject:** Two Cover Tenders System – Safeguards to be adopted.

Rule 28 of the Karnataka Transparency in Public Procurement Rules, 2000 explained the circumstances where Two-cover tenders system is to be adopted and the procedure to be followed in such cases.

The rationale of the two-cover tenders system is that the tender requirement will be strictly enforced and the possibility to consider a tender, which has failed to meet the tender requirement but has offered an attractive price will be eliminated. The second cover containing the price quotations of only those tenderers found qualified as per tender requirements shall be opened by the tender inviting authority.

In order to ensure transparency in the procurement process and build public confidence in the system, the following safe guards shall be adopted, whenever two-cover tenders system is adopted.

(i) At the time of opening of the First covers, the second covers containing the price quotations shall be placed in a large cover and securely sealed in the presence of the tenderers or their representatives, who are present and also get the same signed by all those tenderers or their representatives. This large cover containing the second covers containing the price quotations shall be opened on a predetermined time and date. This will instill confidence in the mind of the contracting community;

(ii) The evaluation of the technical aspects contained in the first cover should be completed within a reasonable period, and the time gap between the opening of the first and the second cover should be the minimum and, in any case not more than 45 days [In exceptional cases, approval of the Secretary to the Government of the concerned Department /Managing Director of the Corporation shall be obtained where the period is more than 45 days but less than 60 days, If it exceeds 60 days the tenders shall be reinvited].

(iii) The qualification criteria and the technical requirement should not be restrictive/discriminatory and the specifications particularly of equipment should be broad based and functional, without any irrelevant details.

The above instructions shall apply to all Procurement Entities as defined in Section 2(d) of Chapter I of the Karnataka Transparency in Public Procurement Act.

Procurement Entities shall ensure that the above Guidelines are strictly followed. It may be noted that any violation of the Karnataka Transparency in Public Procurement Act 1999 and Rules 2000 attracts the penal provision under Section 23 of the Act.

(B.K. DAS)Principal Secretary to Government,
Finance Department

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ನಡವಳಿಗಳು

ವಿಷಯ : ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯದಲ್ಲಿನ ಅರ್ಥಿಕ ಇಲಾಖೆಯ ಲೋಕೋಪಯೋಗಿ ಅರ್ಥಿಕ ಕೋಶದಲ್ಲಿ ಒಂದು ಸಂಗ್ರಹಣಾ ಕೋಶವನ್ನು ಸೃಜಿಸುವ ಬಗ್ಗೆ.

ಓದಲಾಗಿದೆ :1. ಸರ್ಕಾರದ ಅನಧಿಕೃತ ಟಿಪ್ಪಣಿ ಸಂಖ್ಯೆ: ಲೋಇ 1359 ಎಸ್.ಒ.ಎಫ್.ಸಿ 200 ದಿನಾಂಕ: 17.8.2002.

ಪ್ರಸ್ತಾವನೆ :

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ, ಅರ್ಥಿಕ ಇಲಾಖೆ (ವೆಚ್ಚ) ಇವರು ಕ್ರಮ ಸಂಖ್ಯೆ (1)ರಲ್ಲಿ ಓದಲಾದ ದಿನಾಂಕ: 17.8.2002ರ ಅನಧಿಕೃತ ಟಿಪ್ಪಣಿಯಲ್ಲಿ ಅರ್ಥಿಕ ಇಲಾಖೆಯ ಲೋಕೋಪಯೋಗಿ ಅರ್ಥಿಕ ಕೋಶದಲ್ಲಿ ಒಂದು ಸಂಗ್ರಹಣಾ ಕೋಶವನ್ನು ಈ ಕೆಳಕಂಡ ಸಿಬ್ಬಂದಿ ಹುದ್ದೆಗಳೊಂದಿಗೆ ಸೃಜಿಸುವಂತೆ ಪ್ರಸ್ತಾವನೆ ಕಳುಹಿಸಿರುತ್ತಾರೆ.

- | | |
|----------------------|----------|
| 1. ಉಪ ಕಾರ್ಯದರ್ಶಿ | 1 ಹುದ್ದೆ |
| 2. ಶೀಘ್ರಲಿಪಿಗಾರ | 1 ಹುದ್ದೆ |
| 3. ಹಿರಿಯ ಸಹಾಯಕ:ಸಹಾಯಕ | 1 ಹುದ್ದೆ |
| 4. ಕಿರಿಯ ಸಹಾಯಕ | 1 ಹುದ್ದೆ |

ಈ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದ್ದು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಲಾಗಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 39 ಸಸಿವಿ 2002, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16.7.2003.

ಸಂಗ್ರಹಣಾ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಸುಧಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಲುವಾಗಿ ಅರ್ಥಿಕ ಇಲಾಖೆಯ ಲೋಕೋಪಯೋಗಿ ಅರ್ಥಿಕ ಕೋಶದಲ್ಲಿ ಒಂದು ಸಂಗ್ರಹಣಾ ಕೋಶವನ್ನು ಈ ಕೆಳಕಂಡ ಸಿಬ್ಬಂದಿ ಹುದ್ದೆಗಳೊಂದಿಗೆ ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಒಂದು ವರ್ಷದವರೆಗೆ ಅಥವಾ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಇವುಗಳಲ್ಲಿ ಯಾವುದು ಮೊದಲೋ ಅಲ್ಲಿಯವರೆಗೆ ಸೃಜಿಸಲು ಮಂಜೂರಾತಿ ನೀಡಲಾಗಿದೆ.

- | | |
|------------------|----------|
| 1. ಉಪ ಕಾರ್ಯದರ್ಶಿ | 1 ಹುದ್ದೆ |
| 2. ಶೀಘ್ರಲಿಪಿಗಾರ | 1 ಹುದ್ದೆ |
| 3. ಕಿರಿಯ ಸಹಾಯಕ | 1 ಹುದ್ದೆ |

ಅನಾವಶ್ಯಕ ಹುದ್ದೆಗಳನ್ನು ಮುಂದುವರಿಸಬಾರದೆಂಬ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅರ್ಥಿಕ ಇಲಾಖೆಯಲ್ಲಿ ದೀರ್ಘಕಾಲದಿಂದ ಖಾಲಿ ಇರುವ ಒಂದು ಸಂಶೋಧನಾಧಿಕಾರಿ ಹುದ್ದೆಯನ್ನು ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ರದ್ದುಗೊಳಿಸಲಾಗಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಯು.ಪಿ. ಪ್ರಭು

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಿಆಸುಇ (ಸೇವೆಗಳು-2)

GOVERNMENT OF KARNATAKA

NO. DPAR 26 EGV 2003

Karnataka Government Secretariat,
M.S. Building,
Bangalore, dated 26th July 2003.**CORRIGENDUM.**

In Government Order No. DPAR 26 EGV 2003 dated 3rd June 2003, a Steering Committee had been constituted to finalise details of e-Procurement Platform and then to co-ordinate and implement the project. The members in para 1 of the above Order may be read as follows:

- | | | |
|---|---|-----------------|
| I. Additional Chief Secretary | " | Chairman |
| II. Principal Secretary, Public Works Department | " | Member |
| III. Principal Secretary, DPAR (Administrative Reforms) | " | Member |
| iv. Principal Secretary, Health & Family Welfare
Department | " | Member |
| v. Principal Secretary, Water Resources Department | " | Member |
| vi. Principal Secretary, Commerce and Industries
Department | " | Member |
| vii. Secretary (Primary Education), Education Department | " | Member |
| viii. Secretary (Budget), Finance Department | " | Member |
| IX. Secretary (Expenditure), Finance Department | " | Member |
| X. Secretary, Public Works Department | " | Member |
| XI. Secretary, Water Resources Department | " | Member |
| XII. Deputy Secretary (PWD cell), Finance Department | " | Member |
| XIII. Director, IIIT, Bangalore | " | Member |
| XIV. Representative of CII, Bangalore | " | Member |
| XV. Mr. Pawan Kumar, Convenor, IT Panel, CII, Karnataka
& Chairman, V. Moksha Technologies | " | Special invitee |
| XVI. Secretary (e-Governance) – Convenor and Member | | |

By Order and in the name of
the Governor of Karnataka

RAJEEV CHAWLA
Secretary (e-Governance)
DPAR (Administrative Reforms)

GOVERNMENT OF KARNATAKA

NO. PWD 141 SO/FC 2003

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 29th August 2003.**CIRCULAR****Sub :** Draft Documents relating to Procurement of Goods/services.

Government of Karnataka has embarked on a program of Reforms in Public Procurement. The Karnataka Transparency in Public Procurement Act 1999 (Karnataka Act No.29 of 2000) was issued vide No. SAMVYASHAE 29 SHASANA 1999, Bangalore, Dated 16th February 2001. Karnataka Transparency in Public Procurement Rules 2000 was issued vide No. PWD/154/FC-III/2000 Dated 24th October 2000. These are available on the web site of Finance Department, Government of Karnataka.

Amendments to the Rules and Circulars on various aspects of Public Procurement have been issued from time to time and these have also been posted on the web site of Finance Department of Government of Karnataka.

In order to ensure transparency in public procurement and bring uniformity across all the procurement entities of the State, it is proposed to mandate the use of Standard Tender Documents for procurement of Goods, Works and Consultancies. Standard Tender Documents have been prepared and reviewed by various Committees constituted by the Government for the purpose. However before finalizing, issuing, mandating its use by all the procurement entities of the State, it is proposed to post the draft documents in the web site of Finance Department, Government of Karnataka, to elicit constructive comments, suggestions for improvement, point out any discrepancies etc., from various procurement entities of the State (Individual or Organization), Contractors (individual or Association), Suppliers and General Public. The Comments And Suggestions may please be sent by hand delivery, or by post addressed to:

Special Officer & Ex-Officio
Deputy Secretary to the Government
PWD (Finance Cell) Room No. 249-C
Vidhana Soudha, Bangalore 560001

The comments and suggestions can also be sent by e-mail to fincc@mail.kar.nic.in

Since the finalization, issuing and mandating of the Standard documents is a time bound program, the comments and suggestions may please be sent on or before 15th October 2003.

Sd/-
(B.K. DAS)
ACS & Principal Secretary to Government,
Finance Department

GOVERNMENT OF KARNATAKA

NO. PWD 140 SO/FC 2003

Karnataka Government Secretariat,
Vidhana Soudha
Bangalore 1st September 2003.**CIRCULAR****Sub** : Procedure for sale of tender documents.

1. The Notice Inviting Tenders (NITs) issued by the Tender Inviting Authorities (TIAs) specify:
 - (i) the time and date (period being usually two to seven days) up to which the applications for request of tender Documents will be received;
 - (ii) the time and date (usually one to three days) when the tender documents would be sold to those who have submitted the applications earlier;
 - (iii) the time and date up to which the tenders would be received as well as the time and date on which the tenders would be opened (usually 7 to 8 days after the sale of tender documents).
2. The above procedure is being adopted to enable The TIAs to know the number of copies of the Tender document to be prepared and provide adequate time for the preparation of the requisite number of documents.
3. The procedure in vogue is against the spirit of the Karnataka Transparency in Public Procurements (KTPP) Rules 2000 – Rule 17 and should be discontinued. The tender documents should be made available for entire period provided for the submission of tenders as per KTPP Rule 17. For this purpose the TIAs shall prepare adequate number of copies of tender documents before the publication of NIT and sell the document as per instructions contained in KTPP Rule 13 from the date of publication of the NIT up to the pre-declared time on the working day previous to the day fixed for submission of tenders (either original or extended).
4. The Above Instructions shall apply to all Procurement Entities as defined in Section 2 (d) Chapter I of the KTPP Act (1999).
5. Procurement Entities shall ensure that the above instructions are followed scrupulously. It may be noted that any violation of the KTPP Act 1999 and KTPP Rules 2000 attracts the penal provision under Section 23 of the said Act.

Sd/-

(B.K. DAS)ACS and Principal Secretary to Government,
Finance Department

GOVERNMENT OF KARNATAKA

NO: PWD 121 SO/FC 2003

Karnataka Government Secretariat,
Vidhanasoudha,
Bangalore, dated 26th September 2003.

NOTIFICATION

In exercise of the powers conferred by Sub Section (1) of Section 25 of the Karnataka Transparency in Public Procurement Act, 1999 (Karnataka Act 29 of 2000), the Government of Karnataka hereby makes the following rules further to amend the Karnataka Transparency in Public Procurements Rules, 2000, namely:-

1. Title and commencement:- (1) These rules may be called the Karnataka Transparency in Public Procurements (Amendment) Rules, 2003.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 2 :- In rule 2 of the Karnataka Transparency in Public Procurements Rules, 2000 (hereinafter referred to as the said rules) after clause (d), the following shall be inserted, namely:-

"(e) **Consultancy Services**" includes activities such as Policy Advices, Institutional reforms, Management, Engineering Services, Construction Supervision, Financial Services, Investment and Merchant Banking Services, Social and Environmental Studies, Identification, preparation and implementation of projects to complement Government of Karnataka capabilities;

(f) **"Consultants"** means Individuals, Firms or Organisations engaged for providing Consultancy Services in accordance with Chapter VI A.

(g) **"Client"** means the Procurement Entity engaging the Consultants,

(h) **"Party"** includes that Client or the Consultant, as the case may be and "Parties" means both of them."

3. Amendment of rule 3 :- In rule 3 of the said rules, in sub-rule (1) for clause (i) and (ii), the following shall be substituted, namely:-

"(i) Construction;

(ii) Supply of goods and services; and

(iii) Consultancy Services."

4. Insertion of new chapter VIIA and rules 28B to 28K:- After Chapter VII of the said rules, the following chapter and rules shall be inserted, namely:-

"CHAPTER VIIA

CONSULTANCY SERVICES

28B. Selection Methods :- The following methods of selection of Consultants shall be adopted as found appropriate for the assignment.

(a) Quality and Cost Based Selection (QCBS);

(b) Least Cost Selection (LCS);

(c) Single Source Selection (SSS);

28C. Quality and Cost Based Selection (QCBS) :- The quality and cost based selection is based both on the quality of the proposals and the cost of the services to be provided. In this method, the technical and financial proposals shall be received in separate sealed envelope. The technical proposals shall be opened first (unopened financial proposals are kept under security) and the evaluation report of the technical proposals shall be prepared and the approval of Tender Accepting Authority shall be obtained. The financial envelopes of those consultants who submitted responsive technical proposals meeting the minimum qualifying scores shall be opened in the presence of the consultants or their representatives. The proposals shall then be evaluated. Once the financial proposals are evaluated, a combined evaluation of the technical and financial proposals shall be carried out by weighing and adding the quality and the cost scores, and the Consultant obtaining the highest combined score shall be invited for negotiations. Since price is a factor of selection, staff rates and other unit rates shall not be negotiated.

28D. Least Cost Selection(LCS) :- The Least Cost Selection method is more appropriate to selection of consultants for assignments of a standard or routine nature (audits, engineering design of non-complex works and so-forth) where well established practices and standards exist. Under this method a minimum qualifying score for quality is established and indicated while inviting proposals. Short-listed consultants shall submit their proposals in two envelopes. The technical proposals shall be opened first and evaluated. Proposals scoring less than the minimum technical qualifying score shall be rejected, and the financial envelopes of the rest shall be opened in public. The Consultant with the lowest evaluated price shall be selected.

28E. Single Source Selection (SSS) :- Under Single Source Selection, the Client selects a specific consultant and requests him to prepare technical and financial proposals, which are then negotiated. Since there is no competition, this method is acceptable only in exceptional cases and made on the basis of strong and convincing justifications where it offers clear advantages over the competition, because,-

- (i) the assignment represents a natural or direct continuation of a previous one awarded competitively (the estimated cost of the continuation assignment is not more than 50% of the previous competitively awarded assignment), and the performance of the incumbent consultant has been satisfactory; or
- (ii) a quick selection of the consultant is essential e.g., in emergency operations such as natural disasters and financial crisis; or
- (iii) the contract is very small in value (i.e., less than rupees 5,00,000 for consulting firms or organisations and less than Rs. 1,00,000 for individual Consultants); or
- (iv) only one Consultant has the qualifications or has experience of exceptional worth to carry out the assignment.

28F. Steps in the Selection Process :- Depending on the selection method adopted, the selection process carried out by the Client generally shall include the following steps:

- (i) Preparation of the Terms of Reference (TOR) for the assignment;

- (ii) Preparation of the cost estimate to determine the budget of the assignment;
- (iii) Advertising to invite the expressions of interest from Consultants (mandatory in respect of assignments estimated to cost more than rupees 20 lakhs);
- (iv) Short-listing to identify consultants; qualified for the assignment;
- (v) Preparation and issuance of the Request for Proposals (REP);
- (vi) Preparation and submission of proposals by the consultants;
- (vii) Evaluation of the technical proposals i.e., quality evaluation;
- (viii) Evaluation of financial proposals;
- (ix) Final combined quality and cost evaluation to select the winning proposal (QCBS); and
- (x) Negotiations, if any signing of contract between the Client and Consultant.

28G. Contracts :- Two main considerations determine the type of contract to be used for the various consultant assignments; the nature and degree of the definition of the assignment, the distribution of risks between the Client and Consultant and the level of contract supervision the client will be able to provide. The following are the various types of contracts that can be adopted for appropriate assignments, namely:-

(I) Lump Sum (Firm Fixed Price) contracts :- These are used mainly for assignments in which the content and length of services and the required output of the Consultant are clearly defined and for these reasons the Consultant can generally control the scope of work and duration of services. In these contracts payments are linked to clearly specified outputs.

(II) Time-Based contracts :- Under this type of contract, the Consultant provides services on a time basis according to quality specifications, and Consultants remuneration is based on, agreed unit rates for Consultant Staff multiplied by the actual time spent by this staff in executing the assignment and reimbursable expenses using actual expenses and agreed unit prices.

(III) Percentage Contracts :- It is one where consultants are paid an agreed percentage of the actual project cost.

(IV) Indefinite Delivery Contracts (Price Agreement or Standing Offers):- These refer to contracts in which a Consultant is hired for a specified period to undertake tasks as and when the need arises.

28H. Standard Requests for Proposals (RFP) and Contract Formats:- Standard RFP (Requests for Proposals) and Contract Formats as may be issued by the Government of Karnataka from time to time shall be used. The Instructions to Consultants (ITC), Formats for submission of Proposals (unless specified otherwise) as well as the General Conditions of Contract (GCC) shall not be changed. However the Data Sheet and Special Conditions of Contract enable the Procurement Entities to amend or supplement Instructions to consultants (ITC) and General Conditions of Contract (GCC) to reflect local conditions and characteristics of assignment.

28I. Supervision of the Consultancy Contracts:- The Client is responsible for supervising the assignment. He shall make arrangements to monitor the progress of work, the timely completion of deliverables, the staff months and money expended

(for time-based contracts) and determine where, within the contract, changes in the scope of work might be appropriate. The Contract usually requires that the Consultant shall submit regular progress reports and other periodical reports. The Client shall ensure providing comments on these reports in a timely manner. For large assignments, a Committee shall be constituted to review Consultant's work.

28J. Individual Consultants versus Consulting Firms :- (1) Individual Consultants may be employed to assist the Client in various areas of the project preparation and implementation. Individuals may be engaged on assignments for which.-

- (a) the experience and qualifications of the individual must be dominant;
- (b) no support from an organization is needed for the individual; and
- (c) team work or multidisciplinary approach is not necessary.

When integrated technical work and joint responsibility for the Consultants' output are important, it is necessary to hire a Consulting Firm. The TOR of the assignment provides the basis for decision. As a general rule, when dealing with project preparation services of a complex nature, it is advisable to hire a firm, whereas individuals can be considered for advisory services assignments or technical opinions on specific matters in which specialist individual knowledge is the key issue. As a practical rule, if three or more individuals are needed for an assignment, it is often better to hire a Consulting firm, so that the firm will be responsible for identifying the best individuals, ensuring cohesiveness and technical solvency, as well as backup and transparent administration.

28k. Hiring of Government Officials, officials of Government Undertaking, Corporation etc., Government officials and officials employed in Government Undertakings or Corporations shall not be engaged under consulting services, since there could be a conflict of interest. This applies regardless of their being on leave or on deputation. University Professors or Scientists from Autonomous Research Institutes may be contracted individually, provided they are permitted by their service conditions to undertake assignments for a specified period in a year. Individual Consultants shall not be hired by Agencies, where the relatives of the Individual Consultant, are employed in position of influence.

By Order and in the name of Governor of Karnataka

ASHOK S. JIVARAGI

Under Secretary to Government,
PWD (Finance Cell).

GOVERNMENT OF KARNATAKA

NO. DPAR 26 EGV 2003

Karnataka Government Secretariat,
M.S. Building,
Bangalore, dated 27th October 2003.

ADDENDUM

Sub: Core initiative in e-Governance-e-Procurement-Constitution of a Steering Committee –reg.

Ref: 1. Government Order No. DPAR 26 EGV 2003 dated 3rd June 2003
2. Corrigendum No. DPAR 26 EGV 2003 dated 26th July 2003

The following members are co-opted to the e-procurement Steering Committee constituted vide Government Order No. DPAR 26 EGV 2003 dated 3rd June 2003 and corrigendum dated 26th July with immediate effect.

1. Sri G.C. Tallur, Ex-Secretary to Government, PWD
2. Sri Venkataratnam, Procurement Consultant, World Bank

By Order and in the name of the
Governor of Karnataka

(Rajeev Chawla)
Secretary (e-Governance)
DPAR (Administrative Reforms)

GOVERNMENT OF KARNATAKA

NO.FD 737 FC III/2003

Karnataka Government Secretariat,

Vidhana soudha,

Bangalore, dated 27th November 2003.**CIRCULAR**

Subject: Nomination of officers of the Finance Department to committees relating to procurement of goods and services to be avoided Reg – Instructions regarding.

The Karnataka Transparency is Public Procurement Act 1999 and the rules thereunder, have prescribed the procedure to be followed in procurement of goods and services by the Government Departments, Panchayat Raj Institutions, Urban Local Bodies under the government, State Public Sector Undertakings, and the Statutory Boards and Corporations constituted by the government. The departments, Statutory Boards and Corporations are required to follow the provisions under the Act, the rules and the guidelines issued from time to time in their procurements. It is observed that departments, Statutory Boards and Corporations are including the representative of the Finance Department as a member of the Tender Scrutiny Committee, which is required to scrutinize and evaluate the tenders and recommend to the Tender Accepting Authority to consider the recommendation regarding acceptance of the tender.

Principal Secretaries and Secretaries to Government have been empowered to accept the tender presuming the concurrence of the Finance Department vide GO.No. FD1 TFP 2002 Dated: 20.1.2003. Accordingly the tenders have to be accepted by the authorities/officers by duly following the procedures prescribed in the KTPP Act.

The Tender Scrutiny Committee and Tender Acceptance Committee, constituted to go into processes of procurement like prequalification of vendors scrutiny of tenders, shortlisting of agencies, Tender acceptance etc., are meant to ensure scrupulous adherence to the provisions of the KTPP Act and rules thereunder, Involvement of officers of Finance Department in these committees is not required since at times the finalized procurements are sent to Finance Department, which may go through the process of scrutiny, pre-audit and adherence to provisions of KTPP Act. In that case, the representative of Finance Department who has participated in scrutiny/Evaluation/acceptance of tenders as the case may be, will be reviewing the earlier decisions, which is not contemplated in the Act.

The Departments, Statutory Boards and Corporations are equipped with the necessary technical and financial personnel to aid and assist them in effective appraisal of the proposals. The services of these officials should be utilized for effective appraisal of the proposals for decision-making and inclusion of representatives of the Finance Department in different Committees of the departments relating to procurements should be avoided.

(B.K. DAS)ACS and Principal Secretary to Government,
Finance Department

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Subject: Procurement Reforms – Constitution of Standing Committee for implementation – issue of further instructions.

Read: (i) G.O.No. PWD 1359 SO/FC 2001, dated: 5th August 2002
 (ii) D.O. Letter No. DPAR 26 EGV 2003, dated: 30-10-2003, addressed to the ACS & Principal Secretary to Govt., Finance Dept., by the Secretary to Govt., e-Governance, DPAR (A.R).

Preamble:

In Government Order read at (i) above, the Government has constituted a Standing Committee under the Chairmanship of the Secretary to Government (Expenditure), Finance Department, for implementation of the Procurement Reforms Action Plan on the recommendations of Country Procurement Assessment Review Report given by the World Bank Team (CPAR, Karnataka).

In the D.O letter dt: 30-10-2003 read at (ii) above, Secretary to Government, e-Governance, DP & AR (A.R) has stated that a steering committee has been constituted by Government under the chairmanship of Additional Chief Secretary & Principal Secretary to Government, Commerce & Industries Department to bring in an e-procurement platform and that Secretary (e-governance) is the Member Secretary of this committee. In this context, he has requested that Secretary, e-Governance, may also be co-opted as member of Standing Committee on Procurement Reforms. This request has been considered.

GOVERNMENT ORDER NO:PWD 145 SO/FC 2003, BANGALORE DATED:22ND DECEMBER 2003

In the circumstances explained in the Preamble, the Government is pleased to co-opt the following officer as member of the Standing Committee on implementation of the Procurement Reforms Action Plan on the recommendations of CPAR, Karnataka:-

1. Sri Rajeev Chawla, IAS.,
 Secretary to Government,e-Governance,
 D.P. & A.R. (Administrative Reforms).

This order shall come into force with immediate effect.

By Order and in the name of the Governor of Karnataka

B.V. SHRIKANT
 Special Officer & Ex-officio
 Deputy Secretary to Government,
 PWD (Finance Cell).

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಲೋಇ:621:ಆಕೋ-3/2003

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ,

ವಿಧಾನಸೌಧ

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27.12.2003.

ಸುತ್ತೋಲೆ

ವಿಷಯ : ಸರ್ಕಾರದ ಎಲ್ಲಾ ಇಲಾಖೆಗಳಲ್ಲಿ ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ (Preaudit) ವ್ಯವಸ್ಥೆ ಮಾಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಪತ್ರ ಸಂಖ್ಯೆ: ಆಇ.19.ಬಿಪಿಎ.2002 ದಿನಾಂಕ 27.11.2002.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎಲ್ಲಾ ಇಲಾಖೆಗಳಲ್ಲಿ ಪ್ರತಿ ವರ್ಷ ಕಛೇರಿ ಸಾಧನ ಸಾಮಗ್ರಿಗಳು, ಯಂತ್ರೋಪಕರಣಗಳು, ಔಷಧಿಗಳು ಇತ್ಯಾದಿಗಳನ್ನು ಖರೀದಿಸುವಾಗ ಕ.ಸಾ.ಸಂ.ಪಾ.ಅಧಿನಿಯಮ 1999 ಹಾಗೂ, ನಿಯಮಗಳು 2000 ರೀತ್ಯ ಖರೀದಿ ಪ್ರಕ್ರಿಯಾ ಕೈಗೊಳ್ಳಬೇಕಿದ್ದು, ತತ್ಸಂಬಂಧವಾದ ಟೆಂಡರ್ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಟೆಂಡರ್ ನಿಯಮಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸಿದೆಯೇ? ಟೆಂಡರ್ ಬಿಡ್ಡುಗಳನ್ನು ಸರಿಯಾಗಿ ಒಪ್ಪಿಕೊಳ್ಳಲಾಗಿದೆಯೇ ಅಥವಾ ತಿರಸ್ಕರಿಸಲಾಗಿದೆಯೇ, ಇತ್ಯಾದಿ ಅಂಶಗಳ ಬಗ್ಗೆ ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲು, ಹಾಗೂ ಖರೀದಿ ನಿಯಮಗಳಲ್ಲಿ ಲೋಪದೋಷ ಉಂಟಾಗದಂತೆ, ಲೆಕ್ಕಪತ್ರ ಇಲಾಖೆಯ ಮುಖಾಂತರ ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ (pre-audit) ವ್ಯವಸ್ಥೆ ಜಾರಿಗೊಳಿಸುವಂತೆ ಎಲ್ಲಾ ಇಲಾಖೆಗಳಿಗೆ ತಿಳಿಸಲಾಗಿತ್ತು.

ಈ ವಿಷಯವನ್ನು ಮತ್ತೊಮ್ಮೆ ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಈ ಸಂಬಂಧ ರಾಜ್ಯ ಲೆಕ್ಕಪತ್ರ ಇಲಾಖೆಯು, ಲಭ್ಯ ಸೀಮಿತ ಸಿಬ್ಬಂದಿಯಿರುವ ಕಾರಣ, ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ (pre-audit) ಕಾರ್ಯವನ್ನು ಎಲ್ಲಾ ಇಲಾಖೆಗಳಲ್ಲಿ ಕೈಗೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಆರ್ಥಿಕ ಇಲಾಖೆ ಮನಗಂಡಿದೆ. ಆದರೆ ಇಲಾಖಾ ಮುಖ್ಯಸ್ಥರು ಮತ್ತು ಇಲಾಖಾ ಕಾರ್ಯದರ್ಶಿಗಳು ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ ಅಗತ್ಯವೆಂದು ತಿಳಿಸಿರುವ ಪ್ರಯುಕ್ತ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿರುವ ವಿಷಯವನ್ನು ಗಮನದಲ್ಲಿರಿಸಿಕೊಂಡು ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ (pre-audit) ಬಗ್ಗೆ ಈ ಕೆಳಕಂಡಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚನೆಗಳನ್ನು ನೀಡಲಾಗಿದೆ.

ಇಲಾಖೆಗಳಲ್ಲಿ (ಲೋಕೋಪಯೋಗಿ, ನೀರಾವರಿ ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆ ಹೊರತುಪಡಿಸಿ) ಯಾವುದೇ ಸರಕು ಸಂಗ್ರಹನೆಯ ಕಾಮಗಾರಿಯ ಮೌಲ್ಯವು ರೂ.1.00 ಕೋಟಿಗಿಂತ ಮೀರಿದ್ದಲ್ಲಿ ಹಾಗೂ ಲೋಕೋಪಯೋಗಿ, ನೀರಾವರಿ ಮತ್ತು ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂ.5.00 ಕೋಟಿಗಳಿಗಿಂತ ಮೀರಿದ್ದಲ್ಲಿ ಕ.ಸಾ.ಸಂ.ಪಾ.ನಿಯಮದ ನಿಯಮ ಸಂಖ್ಯೆ 20ರನ್ವಯ ಟೆಂಡರ್ ಪರಿಶೀಲನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸತಕ್ಕದೆಂದು ಸೂಚಿಸಲಾಗಿದೆ. ಈ ಸಮಿತಿಯಿಂದ ಟೆಂಡರ್ ಪರಿಶೀಲನೆಯ ನಂತರ ಅದರ ಶಿಫಾರಸ್ಸಿನೊಂದಿಗೆ ಅವಶ್ಯಕತೆ ಕಂಡುಬಂದಲ್ಲಿ ಪೂರ್ವ ಲೆಕ್ಕ ಪರಿಶೋಧನೆಗಾಗಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಆರ್ಥಿಕ ಇಲಾಖೆಗೆ ಕಳುಹಿಸುವುದು. ಪ್ರಸ್ತಾವನೆಯ ಪರಿಶೀಲನೆಯ ನಂತರ ಪೂರ್ವಲೆಕ್ಕ ಪರಿಶೋಧನೆ (pre-audit) ಅವಶ್ಯಕತೆ ಎಂದು ಕಂಡುಬಂದಲ್ಲಿ, ಈ ಬಗ್ಗೆ ಆರ್ಥಿಕ ಇಲಾಖೆಯಿಂದ ಸೂಕ್ತ ಆದೇಶ ನೀಡಲಾಗುವುದು ಎಂದು ತಿಳಿಸಲಾಗಿದೆ. ಈ ಸೂಚನೆಗಳನ್ನು ತಮ್ಮ ಅಧೀನದಲ್ಲಿ ಎಲ್ಲಾ ಇಲಾಖೆಗಳಿಗೆ ನೀಡಬೇಕೆಂದು ಸಹ ಕೋರಲಾಗಿದೆ.

ಬಿ.ಕೆ ದಾಸ್

ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ ಹಾಗೂ

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ

ಆರ್ಥಿಕ ಇಲಾಖೆ.

GOVERNMENT OF KARNATAKA

NO.FD 9/Proc.Cell/2004

Karnataka Government Secretariat,
Vidhana soudha,
Bangalore, dated 25th February 2004.

CIRCULAR

Subject : Procurement Reforms – Standard Tender and Contract Documents – Preparation & Publication of-

Ref : Govt. Circular No. PWD 141 SO/FC 2003, dated: 29-08-2003.

In order to ensure transparency in public procurement of goods, services and consultancy services and to bring in uniformity in the procedures followed by procurement entities in the State, it has been proposed to develop standard tender and contract documents for procurement of goods, services and consultancy services and to mandate their usage.

In accordance with this, the draft standard documents have been prepared and put on the website of the Finance Department at "kar.nic.in/finance/transparency". Comments/suggestions for improvement, pointing out of deficiencies have been invited from various procurement entities of the State (Individual or Organisation), contractors, (Individual or association), suppliers and general public in Circular letter issued in No. PWD 141 SO/FC 2003 dated: 29-8-2003, a copy of which is herewith enclosed.

As per the Circular, comments and suggestions were requested to be sent by 15th October 2003. However, so far comments from the concerned have not yet been received.

The standard documents are required to be finalized soon. Hence, it is once again requested to expedite the comments and communicate the same by hand or by e-mail as stated in the aforesaid Circular, before the 15th March 2004 for enabling this Department to take further action in the matter

(D.N. NARASIMHARAJU),
Secretary to Government,
Finance Department (Expenditure).

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಎಫ್‌ಡಿ 9 ಸಂಕೋ 2004

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ,

ವಿಧಾನಸೌಧ

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25ನೇ ಫೆಬ್ರವರಿ 2004.

ಸುತ್ತೋಲೆ

ವಿಷಯ : ಸಂಗ್ರಹಣ ವಿಷಯದ ಕುರಿತು ಸುಧಾರಣೆಗಳು ಸ್ಟಾಂಡರ್ಡ್ ಟೆಂಡರ್ ಹಾಗೂ ಕಾಂಟ್ರಾಕ್ಟ್ ದಸ್ತಾವೇಜುಗಳು ತಯಾರಿಕೆ ಮತ್ತು ಪ್ರಕಟಣೆ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಸಂ:ಪಿಡಬ್ಲ್ಯೂಡಿ 141 ಎಸ್‌ಒ/ಎಫ್‌ಸಿ 2003, ದಿ: 29.8.2003.

ರಾಜ್ಯದ ಸಂಗ್ರಹಣ ಸಂಸ್ಥೆಗಳು, ಸರಕುಗಳು, ಸೇವೆಗಳು ಮತ್ತು ಕನ್ಸಲ್ಟೆನ್ಸಿ ಸೇವೆಗಳು ಇವುಗಳ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆ ಮಾಡುವಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ತರುವ ದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಉಪಯೋಗಿಸುತ್ತಿರುವ ವಿಧಾನಗಳಲ್ಲಿ ಏಕರೂಪತೆ ತರುವ ಸಲುವಾಗಿ ಸರಕುಗಳು, ಸೇವೆಗಳು ಮತ್ತು ಕನ್ಸಲ್ಟೆನ್ಸಿ ಸೇವೆಗಳು ಸಂಗ್ರಹಣೆಗಾಗಿ ಸ್ಟಾಂಡರ್ಡ್ ಟೆಂಡರ್ ಮತ್ತು ಕಾಂಟ್ರಾಕ್ಟ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ತಯಾರಿಸುವುದು ಮತ್ತು ಅವುಗಳ ಕಡ್ಡಾಯ ಉಪಯೋಗವನ್ನು ಮಾಡುವುದನ್ನು ಪ್ರಸ್ತಾಪಿಸಲಾಗಿದೆ.

ಇದರಂತೆ, ಕರಡು ಸ್ಟಾಂಡರ್ಡ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ತಯಾರಿಸಲಾಗಿದೆ ಮತ್ತು ಆರ್ಥಿಕ ಇಲಾಖೆಯ ವೆಬ್‌ಸೈಟ್ "Kar.nic.in/finance/transparency" ನಲ್ಲಿ ಲಭ್ಯ ಮಾಡಲಾಗಿದೆ ಮತ್ತು ಸಂಖ್ಯೆ:ಪಿಡಬ್ಲ್ಯೂಡಿ 141 ಎಸ್‌ಒ/ಎಫ್‌ಸಿ 2003, ದಿನಾಂಕ: 29.8.2003 ರಲ್ಲಿ ಹೊರಡಿಸಲಾಗಿದ್ದ ಸುತ್ತೋಲೆ ಪತ್ರದಲ್ಲಿ ರಾಜ್ಯದ ಹಲವಾರು ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು (ವೈಯಕ್ತಿಕ ಅಥವಾ ಸಂಸ್ಥೆ), ಗುತ್ತಿಗೆದಾರರು (ವೈಯಕ್ತಿಕ ಅಥವಾ ಸಂಘ), ವಿತರಣೆದಾರರು ಮತ್ತು ಜನಸಾಮಾನ್ಯರು ಇವರುಗಳಿಂದ ರಚನಾತ್ಮಕ ಪ್ರತಿಕ್ರಿಯೆಗಳು, ಸುಧಾರಣೆ ಸಲಹೆಗಳು, ನ್ಯೂನತೆಗಳು ತೋರಿಸುವ ಬಗ್ಗೆ ತಿಳಿಸಲು ಆಹ್ವಾನಿಸಲಾಗಿದೆ. ಅದರ ಪ್ರತಿಯನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

ಈ ಸುತ್ತೋಲೆಯ ಪ್ರಕಾರ ಪ್ರತಿಕ್ರಿಯೆಗಳು ಮತ್ತು ಸಲಹೆಗಳು ದಿನಾಂಕ: 15ನೇ ಅಕ್ಟೋಬರ್ 2003ರ ಒಳಗಾಗಿ ಕಳುಹಿಸಲು ಕೋರಲಾಗಿತ್ತು. ಆದರೂ ಇದುವರೆಗೆ ಸಂಬಂಧಪಟ್ಟವರಿಂದ ಪ್ರತಿಕ್ರಿಯೆಗಳು ಬಂದಿರುವುದಿಲ್ಲ.

ಸದರಿ ಸ್ಟಾಂಡರ್ಡ್ ದಸ್ತಾವೇಜುಗಳನ್ನು ಬೇಗನೆ ಅಂತಿಮಗೊಳಿಸಬೇಕಾಗಿದೆ. ಆದುದರಿಂದ, ಮೇಲ್ಕಂಡ ಸುತ್ತೋಲೆಯಲ್ಲಿ ತಿಳಿಸಿದಂತೆ ಪ್ರತಿಕ್ರಿಯೆಗಳನ್ನು ತ್ವರಿತಗೊಳಿಸಿ ಅವುಗಳನ್ನು ಹ್ಯಾಂಡ್ ಡೆಲಿವರಿ ಅಥವಾ ಇ-ಮೇಲ್ ಮೂಲಕ ಈ ಇಲಾಖೆಗೆ ಈ ವಿಷಯದಲ್ಲಿ ಮುಂದಿನ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವ ಸಲುವಾಗಿ ಮಾರ್ಚ್, 15, 2004ರ ಒಳಗಾಗಿ ಕಳುಹಿಸಬೇಕಾಗಿ ಮತ್ತೊಮ್ಮೆ ವಿನಂತಿಸಲಾಗಿದೆ.

ಡಿ.ಎನ್. ನರಸಿಂಹರಾಜು

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,

ಆರ್ಥಿಕ ಇಲಾಖೆ (ವೆಚ್ಚ)

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Setting up of e-Procurement platform – reg.

Read: Government Order No. DPAR 26 EGV 2003 dt. 3-6-2003.

Preamble :

The State Government has taken up various major e-Governance initiatives for computerizing citizen centric services for delivering hassle free service to citizens in the most efficient manner, The examples include Bhoomi, Cauvery, Sarige, Raita Mitra And Krishi Marata Vahini. State Government has also undertaken some major initiatives to computerize its back offices. Some of the examples are computerization of Department of Treasury and Computerisation of Commercial Taxes Department etc.

The Government has also embarked on some other core areas of e-Governance. They include setting up of Wide Area Network, a State Data Centre for ensuring disaster recovery of various e-Governance projects and for making data centrally available to departments and citizens. Some new citizen centric services have also been planned. They include Bangalore One under which citizens in Bangalore would be able to get their utilities based service from citizen integrated centres.

Rural Digital Service is a counterpart of Bangalore One under which citizens in rural areas would be able to get all their taluk and district based services like issue of caste certificate, income certificate from the village level telecentres itself. Human Resource Management System is another major e-Governance initiatives under which the details of all 8 lakh State Government employees would be computerized and made available.

Another major e-Governance initiative which is programmed is '**e-procurement**'. The objective of this initiative is to introduce best practices in procurement across Government departments and PSUs. This initiative is in line with the major reforms undertaken by State Government in the areas of procurements. Karnataka is the only State to have introduced a comprehensive Act on the issues related to procurement. It is also working with World Bank for further reforms in the area of procurement. The benefits of e-procurement help in demand aggregation, reduced inventory cost, consistent procurement procedures across the department and of course the transparency in the end to end process of procurement. Processes like reverse auction may even lead to major savings to Government because of competition. Similar initiatives on smaller scale have been tried in various PSUs like KPTCL, KSRTC, WRDO, BMTC etc. The results are encouraging although not optimized because of uncoordinated approach and because of non optimal solutions.

Realising the importance of setting up of e-procurement platform, the State Government has constituted a steering committee under the chairmanship of Additional Chief Secretary, There is a need to now expedite the setting up of a unified e-Procurement platform to be used by all the departments and the public sector undertaking. Hence, the following order.

**GOVERNMENT ORDER NO. DPAR 26 EGV 2003 BANGALORE,
DATED 15th MAY 2004**

The Government are pleased to:

1. approve a setting up of a single unified platform to be used by all the Government departments and public sector undertakings;
2. authorise the Steering Committee on e-procurement chaired by the Additional Chief Secretary to introduce the e-Governance platform immediately in various departments in phased manner;
3. stop all manual tendering processes in such department as and when e-procurement platform is introduced;
4. appoint a Consultancy agency through competitive process which would help in advising the Government on selection of vendors and setting up of the platform.
5. modify KTPP Act to bring in the concept of e-procurement.

By Order and in the name of the
Governor of Karnataka

(Rajeev Chawla)
Secretary (e-Governance)
DPAR (Administrative Reforms)

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಆಇ 50 ಸಂಕೋಶ 2004

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ,

ವಿಧಾನಸೌಧ

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30ನೇ ಜೂನ್ 2004.

ಸುತ್ತೋಲೆ

ವಿಷಯ : ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999- ಕಲಂ 4(ಜಿ) ರಡಿ ವಿನಾಯಿತಿ ಬಗ್ಗೆ - ವಿನಾಯಿತಿ ನೀಡುವಲ್ಲಿ ತಡೆಹಿಡಿಯಲು ಕ್ರಮ.

ಸರ್ಕಾರದ ಇಲಾಖೆಗಳು, ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಸಂಸ್ಥೆಗಳು ಹಾಗೂ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಸಂಗ್ರಹಣೆ ಪ್ರಾಧಿಕಾರಗಳಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999 ನ್ನು ಸರ್ಕಾರವು ಜಾರಿಯಲ್ಲಿ ತಂದಿರುತ್ತದೆ. ಈ ಅಧಿನಿಯಮದನ್ವಯ ಯಾವುದೇ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಯು ಟೆಂಡರು ಪ್ರಕ್ರಿಯೆಯಿಲ್ಲದೆ ಸಾಮಗ್ರಿ, ಸೇವೆಗಳನ್ನು ಪಡೆಯತಕ್ಕದ್ದಲ್ಲ.

ಕಾಮಗಾರಿ, ಸಾಮಗ್ರಿ ಹಾಗೂ ಸೇವೆಗಳ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಸಂಗ್ರಹಣಾ ಸಂಸ್ಥೆಗಳು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999 ಹಾಗೂ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ನಿಯಮಗಳು 2000 ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಲಾದ ವಿಧಾನವನ್ನು ಪಾಲಿಸಬೇಕಾಗಿದೆ.

ಅಧಿನಿಯಮದ 4ನೆಯ ಕಲಮಿನಡಿ ವಿಶಿಷ್ಟ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಧಿನಿಯಮದ ಉಪ ಬಂಧಗಳನ್ನು ಅನ್ವಯಿಸುವುದಕ್ಕೆ ವಿನಾಯಿತಿ ನೀಡಲಾಗಿದೆ. ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮದ 4(ಜಿ) ಕಲಮಿನನ್ವಯ ವಿನಾಯಿತಿ ನೀಡಲು ಇಲಾಖೆಗಳು ಆರ್ಥಿಕ ಇಲಾಖೆಗೆ ಪ್ರಸ್ತಾವನೆಗಳನ್ನು ಸಹಜವಾಗಿ ಕಳುಹಿಸುತ್ತಿರುವುದನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಈ ರೀತಿ ವಿನಾಯಿತಿಗಳನ್ನು ಮುಂದುವರಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲವಲ್ಲದೇ ಅವುಗಳನ್ನು ಹಂತ ಹಂತವಾಗಿ ಮುಕ್ತಾಯಗೊಳಿಸುವ ಅವಶ್ಯಕತೆ ಇದೆ. ವಿಶ್ವಬ್ಯಾಂಕ್ ಸಹಾ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿಯ ಸುಧಾರಣೆಗಳನ್ನು ಗಮನಿಸುತ್ತಿದೆ. ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪ್ರಾಶಸ್ತ್ಯ ಹಾಗೂ ವಿನಾಯಿತಿಗಳು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆಯ ಅಧಿನಿಯಮದ ಉದ್ದೇಶವನ್ನು ವಿಫಲಗೊಳಿಸುತ್ತವೆ ಎಂಬುದನ್ನು ಪುನರುಚ್ಚರಿಸುವ ಅಗತ್ಯವಿರುವುದಿಲ್ಲ. ಕಾರಣ, ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮದಿಂದ ವಿನಾಯಿತಿ ಕೋರುವ ಯಾವುದೇ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಗಣಿಸಕೂಡದೆಂದು ನಿರ್ದರಿಸಲಾಗಿದೆ.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮದಿಂದ ವಿನಾಯಿತಿ ಕೋರಿ ಯಾವುದೇ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕಳುಹಿಸಬಾರದೆಂದು ಅಲ್ಲದೆ ತಮ್ಮ ಅಧೀನದಲ್ಲಿಯ ಇಲಾಖೆಗಳು/ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಸಂಸ್ಥೆಗಳು ಎಲ್ಲ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮದ ಉಪ ಬಂಧಗಳನ್ನು ಪಾಲಿಸುವಂತೆ ಖಚಿತಪಡಿಸುವಂತೆಯೂ ಕೋರಲಾಗಿದೆ.

ಕೆ.ಪಿ. ಪಾಂಡೆ

ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು

ಹಾಗೂ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು,

ಆರ್ಥಿಕ ಇಲಾಖೆ.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Subject: Procurement Reforms – Provision of Price Adjustment clause in the tender documents.

Preamble :

In the Country Procurement Assessment Report prepared for the State of Karnataka, the World Bank has made a set of recommendations for Procurement Reforms. One such recommendation is that Price Adjustment should be mandated in respect of all contracts of value more than Rs.20 lakhs and a completion period of more than 18 months and it should be made applicable from the date of opening tenders.

The State Government has examined the Recommendation. After considering all aspects in the matter, the Government issues following orders.

ORDER NO. FD 59 PRO. CELL 2004, BANGALORE**DATED 26TH NOVEMBER 2004**

1. In super-session of all Standing Rules and Instructions, in respect of Price Adjustment clause in tender documents, the following instructions are issued for compliance.

- (a) A Price Adjustment clause shall be included in all Works contracts whose estimated cost put to tender is Rs.100 lakhs or more and the period of completion is 12 months or more. The Price Adjustment clause and the formulae for adjustment shall be as per Annexure-I.
- (b) In works contracts where, Price Adjustment Clause is provided, the Price Adjustment shall be admissible from the date of opening of tenders (Original or extended).
- (c) Price Adjustment Clause shall not be included in Goods and Equipment tender documents. However in respect of tender documents for procurement of Electric cables, Transformers, generators, motors, that have raw material component subject to price fluctuations, appropriate Price Adjustment clauses may be incorporated by the Tender Inviting Authority in the tender documents, with the specific approval of the concerned Head of the Department of Managing Director of the Public Undertaking/Board.

2. The above instructions will only be applicable prospectively and shall not be applicable for contracts concluded in the past or being concluded presently or for tenders already invited.

3. The above instructions shall apply to all Procurement Entities as defined in Section 2(d) Chapter I of the Karnataka Transparency in Public Procurements Act, 1999.

4. The above instructions should be appropriately incorporated in the Standard Tender Documents under Preparation.

By Order and in the name of
Governor of Karnataka

(K.P. Pandey)
Additional Chief Secretary and
Principal Secretary to Government,
Finance Department.

Annexure I

PRICE ADJUSTMENT CLAUSE FOR WORKS CONTRACTS**Price Adjustment:**

Contract price shall be adjusted for increase or decrease in rates and prices of labour materials, fuels and lubricants in accordance with the following principles and procedures and as per formula given hereunder.

- (a) The price Adjustment shall apply for the work done from the date of commencement up to the end of original period of completion or extensions granted by the Employer and shall not apply to work carried out beyond the stipulated period of completion for reasons attributable to the Contractor.
- (b) The price adjustment shall be determined during each quarter from the formula given hereunder
- (c) Following expressions and meanings are assigned to the work done during the quarter.

R = Total Value of work done during the quarter. It would **include** the amount of Secured advance for materials paid for (if any) during the quarter, **less** the amount of the secured advance recovered during the quarter. It will **exclude** value for works executed under variations for which price adjustment (if any) will be worked out separately based on the terms mutually agreed.

- (d) To the extent that full compensation for any rise or fall in costs to the contractor is not covered by the provisions of this or other Clauses in the Contract, the unit rates included in the contract shall be deemed to include amounts to cover the contingency of such other rise or fall in costs.

Price Adjustment Formula¹ :**Adjustment for labour component:**

- (i) Price adjustment for increase or decrease in the cost due to labour shall be paid in accordance with the following formula.

$V_L = 0.85 \times PL/100 \times Rx(L_i - L_o) / L_o$ Where,

V_L = Increase or decrease in the cost of work during the quarter under consideration due to changes in rates for local labour;

L_o = The average consumer price index² for industrial workers for³ Centre for the quarter preceding the date of opening of tenders as published by the Labour Bureau, Ministry of Labour, Government of India;

L_i = The average consumer price index for industrial workers for Centre for the quarter under consideration as published by Labour Bureau, Ministry of Labour, Government of India.

P_L = Percentage of labour component of the work

Adjustment for Cement Component :

¹ The Formula has some normal components. It should be changed if need to be suit the nature of the work.

² The Index numbers are available in the web site <http://labourbureau.nic.in/indtab.him/>

³ Insert the name of center. The centers for which the indices presently available for Karnataka State are Bangalore, Belgaum, Hubli/Dharwad, Mercara. Choose the centre nearest to the work for which tenders are invited.

- (ii) Price adjustment for increase or decrease in the cost of cement component procured by the contractor shall be paid in accordance with the following formula.

$$V_c = 0.85 \times PC/100 \times RX (C_i - C_o)/C_o, \text{ Where,}$$

V_c = Increase or decrease in the cost of the work during the quarter under consideration due to changes in the rates for cement;

C_o = The all India average wholesale price index ⁴for cement (Ordinary Portland cement) for the quarter preceding the date of opening of the tenders as published by the Office of Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi;

C_i = The all India average whole sale price index for cement (Ordinary Portland Cement) for the quarter under consideration as published by the Office of Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi

P_c = Percentage of cement component of the work

Note: For the application of this clause, index of Ordinary Portland Cement⁵ has been chosen to represent Cement group.

Adjustment for steel component:

- (iii) Price adjustment for increase or decrease in the cost of steel procured by the contractor shall be paid in accordance with the following formula.

$$V_s = 0.85 \times P_s/100 \times RX (S_i - S_o)/S_o \text{ where,}$$

V_s = Increase or decrease in the cost of work during the quarter under consideration due to changes in the rates for steel;

S_o = The all India average wholesale price index for steel (M.S. Bars and rods) for the quarter preceding the date of opening of Bids as published by the Office of Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi

S_i = The all India average wholesale price index for steel (M.S. Bars and Rods) for the quarter under consideration as published by the Office of Economic Advisor, Ministry of Commerce and Industry, New Delhi

P_s = Percentage of steel component of the work

Note : For the application of this clause, index of M.S. Bars and Rods⁶ has been chosen to represent steel group.

- (iv) Price adjustment for increase or decrease in the cost of bitumen shall be paid in accordance with the following formula:

$$V_B = 0.85 \times P_B/100 \times RX (B_i - B_o)/B_o, \text{ Where}$$

⁴ The index number are available in the web site <http://eaindustry.nic.in>

⁵ This may be changed depending on the major type of Cement used depending on the nature of work

⁶ This may be changed depending on the major material used depending on the nature of work

Adjustment for steel component:

(iv) Price adjustment for increase or decrease in the cost of bitumen shall be paid in accordance with the following formula.

$$V_B = 0.85 \times P_B / 100 \times R \times (B_i - B_o) / B_o, \text{ Where,}$$

V_B = Increase or decrease in the cost of work during the quarter under consideration due to changes in the rate for bitumen.

B_o = The official retail price of bitumen at the IOC/HPCL/BPL or other depot at⁷ on the day 30 days prior to the date of opening of Bids.

B_i = The official retail price of bitumen at the IOC/HPCL/BPL or other depot at for the 15th day of the middle calendar month of the quarter under consideration.

P_B = Percentage of bitumen component of the work.

Adjustment of Fuel and Lubricant component :

(v) Price adjustment for increase or decrease in cost of Fuel and Lubricants shall be paid in accordance with the following formula:

$$V_F = 0.85 \times P_F / 100 \times R \times (F_i - F_o) / F_o, \text{ Where,}$$

V_F = Increase or decrease in the cost of work during the quarter under consideration due to changes in the rates for Fuel and Lubricants.

F_o = The official retail price of High Speed Diesel (HSD) at the IOC/HPCL/BPL or other consumer pump at.....⁸ on the Day 30 days prior to the date of opening of Bids.

F_i = The official retail price of HSD t the IOC/HPCL/BPL or other consumer pump at..... for the 15th day of the middle calendar month of the quarter under consideration.

P_F = Percentage of Fuel and Lubricant component of the work.

Note: For the application of this Clause the price of HSD⁹ has been chosen to represent Fuel and Lubricant Group.

Adjustment for Plant and Machinery Spares Component:

(vi) Price adjustment for increase or decrease in the cost of plant and machinery spares procured by the contractor shall be paid in accordance with the following formula:

$$V_p = 0.85 \times P_p / 100 \times R \times (P_i - P_o) / P_o, \text{ Where}$$

V_p = Increase or decrease in the cost of work during the quarter under consideration due to changes in the rates for plant and machinery spares.

P_o = The all India average wholesale price index for Heavy machinery and parts for the quarter preceding the date of opening of bids as published by the Office of the Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi.

P_i = The all India average wholesale price index for Heavy machinery and parts for the quarter under consideration as published by the Office of the Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi

P_B = Percentage of Plant and Machinery Spares component of the work.

Note: For the application of this Clause index of Heavy Machinery and Parts¹⁰ has been chosen to represent the Plant and Machinery Spares Group.

⁷ Insert the nearest location of POL Depot

⁸ Insert the location of the nearest POL Consumer pump

⁹ This could be appropriately changed to any other item depending on the nature of work.

¹⁰ This could be appropriately changed to any other item depending on the nature of the work.

Adjustment for Other materials:

(vii) Price adjustment for increase or decrease in the cost of other materials other than cement, steel, bitumen and Fuel and Lubricants¹¹, procured by the contractor shall be paid in accordance with the following formula:

$$V_M = 0.85 \times P_M / 100 \times RX (M_i - M_o) / M_o, \text{ Where}$$

V_M = Increase or decrease in the cost of work during the quarter under consideration due to changes in the rates for local materials other than cement, steel, bitumen and Fuel and Lubricants.

M_o = The all India average wholesale price index for all commodities for the quarter preceding the date of opening of bids, as published by the Office of the Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi

M_i = The all India average wholesale price index for all commodities for the quarter under consideration as published by the Office of the Economic Advisor, Ministry of Commerce and Industry, Government of India, New Delhi

P_M = Percentage of other material component (Other than cement, steel bitumen and Fuel and Lubricants) of the work.

The following percentages ¹² will govern the price adjustment for the entire contract:¹³

1. Labour – P_L	%
2. Cement – P_c	%
3. Steel – P_s	%
4. Bitumen – P_B	%
5. Fuel and Lubricants – PF^{14}	%
6. Plant and Machinery Spares – P_p^{15}	%
7. Other materials – P_M	%
	TOTAL	100%¹⁶

¹¹ Add, delete or change depending on the nature of work.

¹² The percentages have to be approximately worked out on the estimates of cost and incorporated in the tender document before issue. It shall not be changed even if there is change of scope of work during execution.

¹³ The components could be added or deleted or changed depending on the nature of the work.

¹⁴ This could vary from 5% for normal works and 10% for highly mechanized operations in the work

¹⁵ This could vary from 15% for normal works to 30% for highly mechanized operations in the work

¹⁶ The total of the percentages for the various components of the works should be 100.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ವಿಷಯ : ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ಸಂಹಿತೆಗಳನ್ನು ಪರಿಷ್ಕರಿಸುವ ಬಗ್ಗೆ ಸೃಜಿಸಲಾಗಿದೆ ಸಮಿತಿಯ ಪುನರ್‌ರಚನೆ

ಓದಲಾಗಿದೆ: ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಲೋಇ 315 ಸಿಆರ್‌ಎಂ 96 ಬೆಂಗಳೂರು ದಿನಾಂಕ

ಸರ್ಕಾರದ ಓದಲಾದ ಆದೇಶ ದಿನಾಂಕ 20.08.1998 ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಇಲಾಖೆ ಸಂಹಿತೆಗಳನ್ನು ಮತ್ತು ಕಟ್ಟಡ, ರಸ್ತೆಗಳ ಸೈಸಿಫಿಕೇಷನ್‌ಗಳನ್ನು ಪರಿಷ್ಕರಿಸಲು ಸಮಿತಿಯನ್ನು ರಚಿಸಲಾಗಿತ್ತು. ಸದರಿ ಸಮಿತಿಯು ತನ್ನ ವರದಿಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ 1999ರಲ್ಲಿ ನೀಡಿರುತ್ತದೆ. ಈ ಪೈಕಿ ಕಟ್ಟಡ ಮತ್ತು ರಸ್ತೆಗಳ ಸೈಸಿಫಿಕೇಷನ್‌ಗಳನ್ನು ಇಲಾಖೆಯ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ದಿನಾಂಕ 1112002ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಅಳವಡಿಸಿಕೊಳ್ಳಲು ಈಗಾಗಲೇ ಸರ್ಕಾರದಿಂದ ಸುತ್ತೋಲೆಯನ್ನು ದಿನಾಂಕ 18.09.2002ರಲ್ಲಿ ನೀಡಲಾಗಿದೆ. ವಿಶ್ವಬ್ಯಾಂಕ್ ತಂಡವು ನೀಡಿರುವ "Country Procurement Assessment Report for Karnataka State (CPAR)ನಲ್ಲಿ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವಂತೆ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಸುಧಾರಣೆ ಕೈಗೊಳ್ಳಲು ರಾಜ್ಯ ಮಟ್ಟದಲ್ಲಿ ಸೃಜಿಸಲಾಗಿರುವ "Standing Committee for implementation of CPAR" ಸಭೆಯಲ್ಲಿ ಕರಡು ಮಾರ್ಪಡಿತ ಇಲಾಖಾ ಸಂಹಿತೆಗಳನ್ನು ಜಾರಿಗೆ ತರುವ ಬಗ್ಗೆ ಚರ್ಚಿಸಲಾಗಿದ್ದು. ರಾಜ್ಯ ಸರ್ಕಾರವು ಜಾರಿಗೊಳಿಸಿರುವ "ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999" ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ಸಂಹಿತೆಗಳನ್ನು ಮತ್ತು ಸಾಮಗ್ರಿ ಕೈಪಿಡಿಯನ್ನು ಪರಿಷ್ಕರಿಸುವ ಕಾರ್ಯವನ್ನು ಮೇಲೆ ಓದಲಾದ ಆದೇಶದಲ್ಲಿ ರಚಿಸಲಾಗಿದ್ದ ಸಮಿತಿಗೆ ವಹಿಸುವಂತೆ ನಿರ್ಣಯ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.....

ಇದರಂತೆ ಸದರಿ ಸಮಿತಿಯನ್ನು ಪುನರ್ ರಚಿಸಲು ಈ ಆದೇಶ

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಪಿಡಬ್ಲ್ಯುಡಿ 22 ಆರ್‌ಡಿಎಫ್ 2004 ಬೆಂಗಳೂರು ದಿನಾಂಕ: 23.12.2004

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವಂತೆ ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆಯ ಸಂಹಿತೆಗಳನ್ನು ಮತ್ತು ಸಾಮಗ್ರಿ ಕೈಪಿಡಿಯನ್ನು ಪರಿಷ್ಕರಿಸುವ ಸಲುವಾಗಿ ಈ ಹಿಂದೆ ರಚಿಸಲಾಗಿದ್ದ ಸಮಿತಿಯನ್ನು ಕೆಳಕಂಡಂತೆ ಪುನರ್ ರಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

1. ಶ್ರೀ ಟಿ.ಜಿ. ರಾಧಾಕೃಷ್ಣ, ನಿವೃತ್ತ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್ - ಅಧ್ಯಕ್ಷರು
2. ಕೆ. ನಾರಾಯಣನ್, ನಿವೃತ್ತ ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್ - ಸದಸ್ಯರು
3. ಶ್ರೀ ಬಿ.ವಿ. ಶ್ರೀಕಾಂತ್, ವಿಶೇಷಾಧಿಕಾರಿ,
ಲೋಇ ಆರ್ಥಿಕ ಕೋಶ, ಆರ್ಥಿಕ ಇಲಾಖೆ - ಸದಸ್ಯರು

ಈ ಸಮಿತಿಯ ಕಾರ್ಯವ್ಯಾಪ್ತಿಯು ದಿನಾಂಕ 20.08.1998ರ ಆದೇಶದಂತೆ ಇರುತ್ತದೆ. ಈ ಸಮಿತಿಗೆ ಉಪ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್ ರಸ್ತೆಗಳು ಸಂಪರ್ಕ ಮತ್ತು ಕಟ್ಟಡ, ದಕ್ಷಿಣ ವಲಯ ಇವರು ಸಮನ್ವಯ ಅಧಿಕಾರಿಯಾಗಿರುತ್ತಾರೆ. ಹಾಗೂ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್ ಸಂಪರ್ಕ ಮತ್ತು ಕಟ್ಟಡಗಳು (ದಕ್ಷಿಣ) ಇವರು ಸದರಿ ಸಮಿತಿಯ ಕಾರ್ಯಾಚರಣೆಗೆ ಅಗತ್ಯವಾದ ಸ್ಥಳಾವಕಾಶ ವಾಹನ ಸೌಕರ್ಯ ಸಿಬ್ಬಂದಿ ಹಾಗೂ ಅವಶ್ಯವಿರುವ ಲೇಖನ ಸಾಮಗ್ರಿ ಇತ್ಯಾದಿಗಳನ್ನು ಒದಗಿಸಲು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಆದೇಶಿಸಿದೆ. ಈ ಸಮಿತಿಗೆ ಕಾರ್ಯಾಚರಣೆಗೆ ಅವಶ್ಯವಾಗಬಹುದಾದ ವೆಚ್ಚವನ್ನು ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ "2059 (ಯೋಜನೇತರ) "Materials & Supplies" ಅಡಿ ಭರಿಸಬಹುದಾಗಿದೆ.

ಸಮಿತಿಯು ಪರಿಷ್ಕೃತ ಕರಡು ಸಂಹಿತೆಗಳನ್ನು 3 ತಿಂಗಳಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸುವುದು.

ಆರ್. ಮಂಜುಳ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ (ನಬಾರ್ಡ್)

PROCEEDINGS OF GOVERNMENT OF KARNATAKA

Sub: Revision of Karnataka Financial Code and Manual of Contingent Expenditure – regarding.

Read: E-Mail dated 17 November 2003 from Ms Paramita Dasgupta, Economist, World Bank Office, New Delhi to Secretary, Expenditure, Finance Department.

- ii) Govt Notification No. FD 71 FC-3 2004 dated 13 February 2004.
- iii) Govt letter No. PWD 146 SO/FC 2003 dated 30.04.2003 to M/s SG Associates, Bangalore.
- iv) Letter dated 21.10.2004 addressed to Secretary, Expenditure, Finance Department by M/s SG Associates, Bangalore.

Preamble :

In its Country Procurement Assessment Report (CPAR) given to the State Government by the World Bank, for procurement reforms, it has been recommended that the old codes and manuals – such as the Karnataka Financial Code (KFC), the Manual of Contingent Expenditure (MCE) etc., may be revised.

Standing Committee appointed by Government for looking into the implementation aspects of CPAR has decided that Working Groups may be constituted for Review of KFC, MCE etc.

In the Notification read at no. (ii) above, the Govt. notified that provisions of the Karnataka Transparency in Public Procurements Act shall not apply for engaging consultancy services in connection with Review of KFC by the FD.

Government in its letter read at no. (iii) above, requested M/s SG Associates, (S. Gopalswami and Associates), Bangalore to consider taking up the work on consultancy basis, as this firm has persons with adequate expertise and experience for taking up the task. M/s. S.G. Associates conveyed their confirmation for the same in their letter read at no. (iv) above. Suggestion was also made for including the revision of the Manual of Contingent Expenditure (MCE) along with KFC. After examining all aspects in the matter, following orders are issued.

ORDER NO. PWD 146 SO/FC 2003, Bangalore

DATED 27th December 2004

Government is pleased to appoint M/s. S.G. Associates (S. Gopalswami and Associates), Banashankari III stage, Bangalore-85 as Consultants for a period of six months with immediate effect for taking up the revision of Karnataka Financial Code (KFC) Volumes-I & II and the Manual of Contingent Expenditure (MCE).

2. The consultants shall complete the work in 6 months from the date of this Order.

3. In Finance Department there shall be a Working Group to review the completed revised draft chapters of the Codes and Manuals and suggest improvements/changes, if any. The Deputy Secretary-III, Finance Department shall be the Member-Secretary of the Group.

4. The Consultants shall take into consideration all the necessary and appropriate actions for the said revision as per the Terms of Reference (TOR) attached to this Order and the guidance from the Working Group from time to time.

5. The consultants shall submit eight copies of the draft chapters as and when they are ready for review by the Working Group. The Working Group shall furnish their comments on the draft chapters within 10 days time. The consultants shall arrange to furnish the chapters keeping in view the overall time limit of 6 months.

6. The Consultants shall submit to the Government the finally approved chapters of the KFC Volumes-I & II and the MCE in book form in six hard copies and a soft copy (CD).

7. The Consultants shall be paid a total sum of Rs.6.60 lakhs (Rs. Six lakhs and sixty thousand only) as consultation fee to be paid in installments as per the following arrangement:

- i) 20% as advance for commencing the work;
- ii) 30% after all the chapters of KFC Volume –I are revised, approved for printing;
- iii) 20% after completion of review of Volume-II of KFC, approval for printing;
- iv) 20% after completion of review of MCE, approval for printing;
- v) 10% final payment after submission of the final copies.

8. The consultant shall undertake to enter into an agreement to take up the review of KFC & MCE as per the TOR (in Annexure) on a stamp paper of Rs.100/-. 20% advance shall be given to the consultants after the agreement is furnished. Draft agreement shall be got approved from the Finance Department.

9. Expenditure on account of this matter may be debited to the provision "2052-00-090-0-07-FD – Library, Research Cell and Other charges-051-General Expenses" under Non Plan.

This order issues under the powers delegated to the Secretary to Government, Finance Department under FD 1 TFP 96 dated 10.07.1996 and FD 1 TFP 2003 dated 12.06.2003.

By Order and in the name of the
Governor of Karnataka

(Ashok S. Jivaragi)

Under Secretary to Government, PWD FC,
Finance Department.

Annexure**Terms of Reference for Revision of Karnataka Financial Code and Manual of Contingent Expenditure**

The Karnataka Financial Code was compiled and issued shortly after the present State of Karnataka was formed in 1956 on the re-organization of States. After the issue of the compilation several changes have taken place in the State's financial and accounting set-up. The changes relate to areas such as the arrangements for receipt and custody of Government revenues, Withdrawal and disbursement of funds. accounting thereof, the role of audit and the relations of departments with audit, the duties and responsibilities of Government servants etc., Many of these changes have been effected as response to the emerging requirements in dealing with the finances of the State which have arisen both by expansion of Governmental activities and by increasing complexity in transactions, Although corrections to the Code consequent to these changes have been issued from time to time. there is a need to review the provisions of the Code to make it cater adequately to the needs, as they exist now. It is therefore felt necessary to review the Code in its entirety and to modify it suitably in a manner that would ensure that it serves the purpose fully in the present day context.

Similarly the manual of Contingent Expenditure also needs revision. Government proposes to entrust the task of revising the Code and the Manual and suggesting modifications to these to a team of consultants who are well versed with the financial rules and procedures of Government.

Scope of the work:

The scope of the work shall include Revision of Volume-I of the Karnataka Financial Code containing the main provisions as well as Volume-II containing forms and appendices and the Manual of Contingent Expenditure.

The revised Code and the Manual should not only capture and present changes effected over the years but also be oriented to meet the future requirements.

Obligations of Government:

i) The Government shall nominate an officer to coordinate and monitor the work of Consultants. The nominated officer shall be responsible for liaising with the consultants and providing from the Government end, all assistance to them in their work.

ii) In addition, the Government shall constitute a small working group or consultative committee of a few selected senior officers to consider and give decisions on discussion papers, which may be presented by the consultants. The nominated officer mentioned above shall be the Member-Secretary of the group/committee. Depending on the topics that are slated for discussion, the nominated officer may invite representatives from the concerned departments to attend meetings of the group/committee.

iii) Government shall take steps to provide requisite material to the consultants to enable them to update the Code and the Manual with reference to all the correction slips and other Government orders, notifications, etc. issued subsequent to the last revision made to the Code and the Manual.

Obligations of the Consultants:

The approach to the task and the plan of action to be followed for revising the Code and the Manual would be broadly as under;

i) The consultants shall update the Code and the Manual with reference to all the correction slips and other Government orders, notifications, etc., issued subsequent to the last revision made to the Code and the Manual. This activity may be taken up and completed independently without allowing it to be influenced by the pace at which the other activities progress.

ii) The consultants shall make a thorough review of the existing system of rules and procedures relevant to the task assigned to them. The procedures as laid down in the State rules as well as the Central rules will have to be Studied. A holistic approach to the task is required. The consultants shall, initially and from time to time thereafter, taken an overall look at the existing compilation with a view to identifying the areas that require substantial changes.

iii) The consultants shall suggest deletion of, or modifications to, all rules or provisions, which have become redundant or have outlived their purpose or utility.

iv) The consultants shall propose suitable changes in the rules, procedures, etc., in the light of new innovations and changes. In this exercise, it is not enough if the changes or innovations introduced already are considered. To the extent that they can be anticipated, changes and innovations that are likely to come through in the near future may also be considered. Some of the developments to be taken into account in this exercise may include receipt of moneys through collection kiosks or credit cards, ECS payments, etc., computerization of accounts at the treasury level, network linking of departments, transfer of responsibilities to local Government and autonomous institutions, requirement stipulated by the Central Government and external financing agencies, etc.

(v) Representatives of the relevant departments shall be associated in the discussions concerning changes applicable to particular departments,

vi) The Consultants may suggest rearrangement of subject matter including rearrangement of forms and appendices wherever required.

vii) The Consultants shall prepare a broad structure for the Code and the Manual before going to the chapters and the structure shall be discussed and cleared by the Working Group.

viii) As and when each Chapter is given a final shape, the contents thereof shall be discussed and cleared by the working group.

ix) As far as possible, the paragraphs may be made self-contained and the number of notes, footnotes and provisos, etc., minimized. A conscious attempt may be made to frame the provisions in simple and straightforward terms.

x) The consultants shall, after Government clears the changes and deletions, provide a set of six copies of the Revised Code and the Manual to Government for further action at Government level.

xi) The entire work shall be completed within a time frame of six months commencing from the date of entrustment of the assignment to the consultants.

xii) The consultants shall suggest the procedure and modalities of updating of the Karnataka Financial Code and the Manual of Contingent Expenditure also regularly, say once every three years.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub: Procurement Reforms – Measurement of Works and Supplies – Use of Measurement Books

Preamble :

1. Paragraphs 208 & 209 of the Karnataka Public Works (KPW) Accounts Code Volume I, Paragraphs 300 & 301 of the Karnataka Public Works Departmental (KPWD) Code Volume I and Appendix VII of the KPWD Code Volume II detail the instructions regarding issue of measurement books, recording of measurements and storage of measurement books. The salient instructions are:

(i) Payments for all work done otherwise than by daily labour and for all supplies, are made on the basis of measurements recorded in measurement books, Form PWG-27 in accordance with the rules in paragraph 209;

(ii) The measurement should be considered as a very important initial account record since it is the basis of all accounts of quantities of work done whether by daily labour or by piece work or by contract and of materials received which have to be counted or measured:

(iii) All measurements should be neatly taken down in the measurement book issued for the purpose and nowhere else;

(iv) The entries should be recorded in the measurement book at the work spot indelibly in ink so as to render it difficult to tamper with or to make unauthorized additions or alterations in entries once made:

(v) As all payments for works or supplies are based on the quantities recorded in the measurement book. it is incumbent upon the person taking the measurement to record the measurements clearly and accurately. He will also work out and enter in the measurement book the figures for the contents or area column:

(vi) Measurements for all works and repairs should in the first instance be taken by subordinates in charge and checked by Sub-Divisional Officers and Divisional Officers [Assistant Executive Engineer (AEE) is to check 75% in Case of works costing Rs. 5000 or more and 50% in case of other works and repairs. At least 50% of the works are to be checked. Executive Engineer (EE) is to check 25% of items:

(vii) All final measurements irrespective of value to be recorded by Assistant Engineer (AE) and AEE should check-measure 100% for all works estimated to cost Rs. 5000 and more if it is a departmental work and Rs. 25,000 and more if it is A contract work. EE should check 25% of the total value of work done if the works cost more than Rs. 25,000;

(viii) No erasures of any kind should be permitted; mistakes should be corrected by drawing the pen through the incorrect entry. and inserting the correct figures or words between the lines. A reliable record is the object to be aimed at, as the measurement book may have to be produced as evidence in a court of law;

(ix) Apart from measurements, the description of the item as per tender has to be written in the hand of the AE.

2. Paragraph 5 of Appendix IV-A of the KPWD Code Volume II Rules for Registration of Contractors in PWD lay down that Class I and II Contractors should engage at least one Engineering Graduate of every work costing Rs.15 lakhs and above and Class III Contractor should engage one Engineering Graduate for every work costing Rs.10 to 15 lakhs and at least one Diploma Holder on every work or group of works together costing more than Rs.2 lakhs but less than Rs.10 lakhs.

3. Clauses 7(a) and 7(b) of PWG-65 Form, the approved tender document for works, state:

(i) A bill shall be submitted by the Contractor on or before the 15th of each month of all items of work executed in the previous month;

(ii) The details furnished by the Contractor in the bill should be measured by the subordinate in the presence of the Contractor or his duly authorized agent. The countersignature of The Contractor or the said agent in the measurement book shall be sufficient proof to the correctness of the measurements, which shall be binding on the Contractor in all respects;

(iii) If the Contractor does not submit the bills within the prescribed time, the EE may depute within seven days of the prescribed date, a sub-ordinate to measure up the said work. The countersignature of the Contractor shall be obtained in the measurement book concerned with reference to which, the Department may prepare the bill.

4. It is observed that the measurement books are not being used in most of the Government Departments, Public Sector Undertakings, Boards, Societies, and Local bodies for recording the receipt of goods and equipment and payments of invoices are being made on the basis of verification of receipt of materials. However most of the Government Departments, Public Sector Undertakings, Boards, Societies and Local bodies are using the measurement books for recording the measurements as per provisions of KPWD Code. However the compliance to the provisions of the Manual is resulting in lot of clerical work by the technical officers whose primary duty is supervision of work in the field. Also there are no consistent practices followed by various procurement entities of the State.

5. The Sub-Committee constituted under the Chairmanship of Secretary. Public Works Department by Government in GO No PWD 122 SO/FC 2003 dated 8.5.2003 to look into certain technical issues like measurement books, from the Procurement Reforms Action Plan on the recommendations of the Country Procurement Assessment Report (CPAR) and make recommendations to the Standing Committee has examined the issue, felt that the present provisions in the Codes and manuals regarding measurement of works and supplies are archaic, time and effort consuming, do not use the currently available information Technology and has made recommendations for improvement of the system. The Working Group constituted in GO No. PWD 1359 SO/FC 2001 dated 14.8.2002 for implementation of the said Action Plan reviewed and endorsed the recommendations of Sub-Committee. The Standing Committee constituted in GO No. PWD 1359 SO/FC 2001 dated 5.8.2002 for implementation of the said Action Plan on the recommendations of CPAR, examined the recommendations of the Sub Committee in detail.

Government Order No. FD 56 Pro. Cell 2004, Bangalore, 18th January 2005.

1. Based on the recommendations of the Standing Committee this order is issued for recording of measurement of Works and Supplies. This order shall supersede the current instructions contained in the Codes and Manuals.

- (a) A uniform procedure for recording of measurements for works and supplies should be enforced in all the Organizations coming under the purview of the Karnataka Transparency in Public Procurements Act 1999;
- (b) The current provisions of the KPW Accounts and Departmental Codes shall continue to be applicable for all Works Contracts of value Rs.25 lakhs And less;
- (c) In respect of Works Contracts of value more than Rs25 lakhs, the Contractors shall be made responsible for submitting bills duly supported by hard copy of detailed measurements of work using electronic spreadsheets and making

computations thereof. The Contractor shall submit diskette/CD ROM in addition to the hard copy;

- (d) The Assistant Engineer in direct charge of the work shall take independent measurements of the work and enter the same in the electronic spreadsheet and make computations thereof. The Assistant Engineer can make use of the detailed measurements as given by the Contractor in the diskette/CD ROM. In any case the responsibility for the correctness of the measurements shall be entirely of the Assistant Engineer, as prescribed in the Codes and Manuals;
- (e) The measurements would be checked by the officers from the hard copy of the spreadsheet as per present stipulations, and computations would be made accordingly'.
- (f) The countersignature of the Contractor or his authorized Agent shall be obtained on each page in the hard copy of the detailed measurement spreadsheets prepared by the Assistant Engineer, which shall be binding on the Contractor in all respects;
- (g) The hard copies of the detailed measurement spreadsheets shall be bound, numbered and stored, which shall be considered as the measurement books, as referred to in the Manuals and Codes. An index shall be prepared for each Contract/Work, which shall show the details of the bills, reference to measurement books and vouchers. Similarly the diskettes/CD ROMs shall be indexed and stored.
- (h) In respect of supplies – goods and equipment, the invoices detailing the items supplied with specifications, quantity, rate and amount would be sufficient. This shall be checked and inspected by the receiving authority and accounted as per normal accounting procedure prescribed by Government/ Corporation/ Board/ Society Local body from time to time. Entry in measurement books need not be insisted upon.

2. This order will apply prospectively and shall not be applicable for contracts concluded in the past.

3. This order shall apply to all Procurement Entities as defined in Section 2(D) Chapter 1 of the Karnataka Transparency in Public Procurements Act. 1999.

4. This order shall be appropriately incorporated in the Conditions of Contract of Tender documents.

5. The contents of this order shall be appropriately incorporated in the Karnataka Public Works Accounts and Departmental Codes and other Manuals.

By Order and in the name of the
Governor of Karnataka

(Sudhakar Rao)
Principal Secretary to Government
Finance Department.

GOVERNMENT OF KARNATAKA

No: FD 57 Pro-Cell 2004

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated 20.01.2005

CIRCULAR

Subject: Procurement Reforms – Types of Contracts and Guidelines for their choice

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1. Paragraph 168 of the Karnataka Public Works Departmental Code Volume I discusses in brief only two types of contracts viz., Lump-sum and Schedule (Item rate)

2. Development projects of the Government Departments/Undertakings and local bodies are some times complex and necessitate the use of other alternative forms types of contracts. This circular details the various forms/types of contracts and gives guidance for their choice.

3. Types of contracts and their choice:

In the preliminary planning stages of procurement. implementing agencies have a choice of procurement method and or the types of works contract to be used. depending on prevailing circumstances. The type of contract chosen will affect the subsequent stages of procurement, the content of the tender document, and to some extent the degree of influence, which the Employer can exert during contract implementation. It is important, therefore, at an early stage in the planning process to consider carefully the types of contract that might be suitable for use and the factors affecting the choice of type of contract.

Some of the general factors, which may affect/influence the choice of contract type by an Employer or implementing Agency are:

- Nature and complexity of the works (e.g. building, highway, industrial plant etc.);
- The size and duration of the contract (e.g. Primary Health center, Primary School, Major Hospital, Feeder road, Expressway, Pump House, or Urban Water Supply etc);
- The degree of the definition of the works and th element of risk/uncertainty;
- The status of design (preliminary or final);
- The technical capability, design and supervisory resources of the Employer;
- The financial resources available and./or budget constraints;
- The previous experience of the Employer in a particular type of contract;

The following is a list of common types/kinds of works contracts, their features, the advantages and disadvantages and the circumstances/situations in which they can be best used.

Sl. No	Type Kind of contract	Features	Advantages/Disadvantages	Circumstances/Areas in which to be used.
1.	Lump-sum Contract or all inclusive contracts. (LS)	<p>1. The tenderer is required to quote a fixed sum for execution of the work, complete in all respects in accordance with the designs, drawings and specifications within the stipulated time.</p> <p>2. It is essential that the work must be defined accurately, specifications are completely written up and the site conditions fully explained so that disputes shall not arise.</p> <p>3. Quantities are not normally given for small works, but major quantities are some times indicated for the convenience of tenderers on large works</p> <p>4. The payment schedule is normally a proportion of the contract price related to progressive stages of completion commonly termed as "Schedule of Activities"</p> <p>5. Two modifications of the Lump-sum contract may be introduced to cope with uncertainties</p>	<p>Advantages:</p> <p>1. Advance knowledge of the fixed contract amount for budget forecasting (variations due to quantities and price adjustment, if any, are relatively minor),</p> <p>2. Relatively easy to administer for payment purposes (no or little measurement of work performed);</p> <p>3. Requires less documentation (normally no detailed Bill of Quantities)</p> <p>Disadvantages:</p> <p>1. Inflexible to design changes (major variation are difficult to price)</p> <p>2. Not suitable where potential future risks and changes are difficult to forecast (Tenderers may inflate their prices to cover expected costs which do not materialize); and</p> <p>3. Designs for smaller works must normally be complete and drawings prepared in detail by the Employer, as a basis for tendering</p>	<p>Normally used for small, short duration (less than a year) well defined, Detailed works and building or other form of construction, where the works are unlikely to change in quantity and specifications and where encountering difficulties or unforeseen site conditions (for example hidden foundation problem) is unlikely.</p> <p>Examples of typical Lumpsum contracts are culverts, small bridges, primary schools, health clinics, bus shelters, transmission towers, pipe laying, standard housing involving type designs etc.</p>

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		<p>during implementation one relating to Quantity variations and other to Price Adjustment.</p> <p>6. LS tenders may also be called for larger works of larger duration such as Industrial Process Plants, normally following a Two-Stage Tendering procedure with designs prepared by the successful tenderer and with provision for price adjustment (Refer Turnkey contracts)</p>		
2.	Item Rate Contract/ Unit Rate/ Ad measurement (UR)	<p>1. The tenderers are invited to quote unit rates for carrying out the Employer's estimated quantities of different items of work to be executed.</p> <p>2. The unit rates are inclusive of all related inputs (labour, materials, equipment usage and a proportion of overheads and profit)</p> <p>3. The tender price comprises the summation of estimated quantities multiplied by the respective unit rates for all items of work.</p> <p>4. Detailed measurements of all items of work executed by him are recorded and</p>	<p>Advantage:</p> <p>1. Tenders Are competing on the most equitable basis, against the same quantities of work and completed designs;</p> <p>2. The comparison and evaluation of tenders is normally straight forward and objective;</p> <p>3. It provides flexibility for the contracting parties in handling variations and extra items of work;</p> <p>4. Regular progress payments for work completed help the contractor's cash flow.</p> <p>5. Reasonably accurate cost estimates can be made for planning purposes and under normal circumstances, the</p>	<p>3. Most common type of contract in general use internationally in the public sector works under conditions of moderate perceivable risk in sectors such as Transportation. Power, Irrigation, Water Supply and Sewerage etc.</p>

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		<p>payments are made to the contractor as per his quoted rates.</p> <p>5. The unit rates may be fixed for short duration (less than one year) contracts or adjustable for variations in the indexed price of inputs over longer duration contracts.</p>	<p>Employer can expect only minor discrepancies between the estimate of cost and the lowest bid and between contract price and the final basic cost;</p> <p>Disadvantages:</p> <ol style="list-style-type: none"> 1. Tenders containing unbalanced unit rates and front-end loading create problems in comparison and evaluation; 2. Higher cost for documentation than Lump-sum is preparing the detailed Bill of Quantities; 3. Higher supervisory cost than Lump-sum, due mainly to the measurement of work performed; 4. Amenable for manipulation either by change of design, or by increase in quantities of work for which higher rates have been quoted, or decrease in quantities of work for which lower rates have been quoted. 	
3.	percentage Tender or percentage Rate Contract	The Contractors are required to submit their offers to carry out the work as per the estimated rates (which is usually on the current Schedule of Rates) or at some percentge above or below the Schedule of Rates.	<p>Advantages:</p> <ol style="list-style-type: none"> 1. Simple to comprehend for the contractor and submit his tenders; 2. Decision on the lowest tender is immediate; 3. Possibility of unbalanced tender submission is eliminated 	Appropriate for small value contracts, when the items of work are few and belong to the same category or classification, such as Earthwork, or concrete or masonry etc.

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			<p>Disadvantages:</p> <ol style="list-style-type: none"> 1. Two or more contractors may quote the same rate in order to get part of the work at the higher rate; 2. Division of work among those contractors who have quoted the same rates may be difficult; 3. Quoting the same percentage above or below for different categories of items of work is irrational 4. Amenable for manipulations to get the items changed to get advantage of higher rates. 	
4.	Cost reimbursable plus fee commonly termed as "Cost Plus" CP	This type of contract provides For the periodic reimbursement of the contractor's actual costs for measurable inputs to the works, such as labour, materials, equipment, spare parts, fuel etc., together with a Fee" to cover his Associated overheads, management and profit. The "Fee" may be either (i) a fixed fee i.e. independent of The total measured costs, or (ii) a percentage of the measured costs, or (iii) a variable (incentive) fee,	<p>Advantages:</p> <ol style="list-style-type: none"> 1. Early mobilization of construction resources is possible in emergency situations and no works that are poorly defined. involve high risk or high returns; 2. The contractor is reimbursed all expenditure and assures little or no risk. <p>Disadvantages:</p> <ol style="list-style-type: none"> 1. The circumstances favouring cost plus contracting are more conducive to sole source negotiations with a selected contractor than to competitive tendering which is normally required in private sector, 	<ol style="list-style-type: none"> 1. Cost Plus contracts are appropriate in open-ended emergency situation such as structural collapse of or damage to buildings, bridges, dams, or breach of canals and in circumstances where works are exposed to conditions of great uncertainty or unquantifiable risks, such as unknown ground conditions (tunneling), or large unforeseeable

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		<p>which increases if saving materializes in an agreed Estimate of the total contract payments, or which reduces with cost overruns</p>	<p>2. If the CP fee is fixed, the contractor has little incentive to produce quality or timely work:</p> <p>3. With a CP percentage fee, the contractor the CP fee is fixed, the contractor has little incentive to produce quality or timely work:</p> <p>3. With a CP percentage fee, the contractor benefits from higher costs and consequently has limited incentive to be cost effective;</p> <p>4. The Employer needs additional supervisory staff to monitor and verify actual costs.</p>	<p>price fluctuations etc.</p> <p>2. They are also used in private sector, usually on a negotiated basis with a selected contractor, when an early start is required on projects which are not completely defined or designed but are expected to be highly remunerative, such as hotels, casinos, innovative technical processing and manufacturing plants etc.</p>
5.	Supply and Erect/ Install, Commission and Test	<p>1. This type of contract provides for the supply of major items of manufactured or pre-fabricate goods (such as turbines, pumps, generators, switch yards, transmission towers, pipelines, boilers, telecommunication works etc.) including relatively minor works involved in their erection or installation and commissioning at a site or sites.</p>	<p>Advantages:</p> <p>1. Single responsibility for the supply of goods and the execution of related works in order to avoid conflicts and delays in the event of non-compatibility;</p> <p>2. Management is simple.</p> <p>Disadvantages:</p> <p>1. Direct Cost is likely to be more</p>	<p>Appropriate for Power Plants, Water Pumping Plants, Water Treatment and Sewerage Treatment Plants, Telecommunication projects etc.</p>

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		<p>2. The goods would normally be the subject of performance specifications, or fabricated to the design of the Employer on an LS basis. Minor works might be quoted LS based on the design of the Supplier, but major works should normally be undertaken to the design of the Employer on "Item Rate/Unit Rate basis.</p> <p>3. Commissioning and/or testing of the completed work is a normal requirement before acceptance.</p>		
6.	Design and Build Construct	<p>1. The Employer wishes to explore on a competitive basis, the most innovative designs and the special expertise and technology of individual contractors which may not be available to the Employer's own Engineers/Architects</p> <p>2. Pre-qualification is an essential feature of the tendering process in order to select qualified combinations of Engineer Architect/ Contractor.</p> <p>3. Comprehensive site and sub-soil survey is normally</p>	<p>Advantages:</p> <p>1. Competitive proposals result in economy and better design and aesthetics.</p>	<p>Appropriate for important buildings, major bridges, Aqueducts, Viaducts, Complex Fly overs. Navigation works, Sea Ports, Airports, and other major Infrastructure works</p>

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		<p>provided as a part of tender document, which should also include the parameters of structural design and loading.</p> <p>4. Competitive design and lump-sum tenders are called from qualified tenderers who provide comprehensive design calculations, quantities and drawings.</p> <p>5. Tender evaluation includes: design checks, the quantification of design errors, times of completion, payment schedules etc., and an assessment of the aesthetics of different proposals.</p> <p>6. Tenderers are sometimes compensated on a sliding scale according to merit, for the preparation of responsive proposals</p>	<p>Advantages:</p> <p>1. Competitive proposals result in economy and better design and aesthetics.</p>	<p>Appropriate for important buildings, major bridges, Aqueducts, Viaducts, Complex Flyovers, Navigation works, Sea Ports, Airports, and other major Infrastructure works</p>
7.	Turnkey	<p>1. Tenders invited for Alternative systems and processes to provide satisfactory end product requirements and therefore undersirable or impracticable to</p>	<p>Advantages:</p> <p>1. The Employer is able to choose the best available processes and thus effect economy.</p>	<p>Appropriate for procurement of complex Industrial Process plants such as Steel mills, fertilizer. food processing coal bunkering,</p>

Sl. No	Type Kind of contract	Features	Advantages/Disadvantages	Circumstances/Areas in which to be used.
		<p>prepare definitive designs and complete technical specifications in advance.</p> <p>2. Two stage tendering procedure is followed, first inviting unpriced technical proposals and outline designs which are subject to clarification and adjustment by the Employer followed by the submission of detailed technical proposals and priced tenders in the second stage.</p> <p>3. The turnkey contractor undertakes to provide detailed designs, production process plant and equipment, related construction, procurement, licenses, guarantees, recruitment and training of operating staff, commissioning, start-up, initial operation and maintenance and final hand over of the "key" to the Employer for him to "Turn"</p> <p>4. The contract price is normally quoted LS with periodic payments against specified stages of partial completion.</p> <p>5. Price Adjustment may also be provided</p>		petroleum refineries etc.

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8.	Management Contract	<p>for contracts of longer duration than about two years.</p> <p>A firm acts in the role of a "Contractor" that does not usually perform construction work directly, but manages the work of other sub-contractors</p>		<p>Appropriate for major Infrastructure projects such as Airports, Sea Ports, Expressways,</p>
		<p>while bearing full responsibility and risk for price, quantity, and timely performance of the contract.</p>		<p>Townships, Power Projects, Telecommunication Projects etc.</p>
9.	<p>Build Operate, and Transfer (BOT) Build Own and Transfer (BOT); Build, Own, Operate and Transfer (BOOT); Build, Own and Operate without any obligation for Transfer; Build, Rent and Transfer (BRT); Build, Lease and Transfer</p>	<p>It is essentially a concessionary turnkey type of contract including financing in addition to the design, construction, operation and maintenance of public and private revenue earning projects.</p> <p>Normally total costs and risks are borne by the private BOT investors over the concessional period which may be some 10 to 20 years. In the Public Sector, the Employer would be the Public Authority otherwise responsible for providing such services, and to whom the facility is transferred at the end of the concession.</p>	<p>Advantages:</p> <ol style="list-style-type: none"> 1. It is a Way for overcoming the borrowing capacity budgetary constraints to acquire the needed infrastructure for Growth. 2. If properly structured and priced it can provide significant "additionality" in financial resources while achieving overall cost savings from efficiency in design, construction and operation <p>Disadvantages:</p> <ol style="list-style-type: none"> 1. They are highly complex from both a legal and financial point of view. 2. They require potential sponsors to spend years and millions in development and 	<p>To be adopted for profit earning projects such as power generation and distribution, Port facilities, toll roads and bridges, water supply etc. when the Employer Owner has limited budget and or borrowing capacity.</p>

Sl. No	Type Kind of contract	Features	Advantages/Disadvantages	Circumstances/Areas in which to be used.
	(BLT), Build, Own, Operate, Subsidize and Transfer (BOOST); Build And Transfer (BT)	The only source of revenue to the BOT investors is the tariff levied on users of this facility. which is a major consideration in tender evaluation Other variants include BOOT (Build, Own, Operate and Transfer), BOO (Build Own and Operate, i.e. without any obligation to Transfer); BOOST (Build, Own, Operate, Subsidize and Transfer); and BT (Build and Transfer immediately, possibly subject to installement payments of the purchase price)	negotiations. 3. They present novel issues for host Government /Implementing Agencies as to proper allocation of risks and rewards among parties.	

4. Use of appropriate type of contract and tender documents:

Keeping the above Guidelings in view, the Procurement Entity shall submit proposals to the Competent Authority for adopting the type of contract for particular packages with full justification. The competent authority shall review the recommendations and accord approval to the proposals of the Procurement Entity, who will then use the tender documents appropriate for the type of contract approved. Standard Tender Documents for the various types of contracts as detailed above are under preparation and would be circulated in due course of time.

(Sudhakar Rao)

Principal Secretary to Government,
Finance Department.

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Subject: Third Party Inspection of Works, Goods and Equipment

Preamble:

1. There are no specific provision regarding Inspection of Works in the Karnataka Public Works Department Manual, Clauses 12 (b) and (c) of the PWG 65. ... the approved tender document for works, lay down the Guidelines for Inspection of Works. The Contractor is primarily responsible to ensure that the works are executed as per Specifications and deliver the Works in sound condition. The Departmental Officers have to make periodical checks to ensure the quality of works. The Government is concerned over the deterioration in the quality of the works executed. To assist the Departmental Officers to ensure quality works, in some major projects separate in-house quality control organizations have been set up and in some other projects funded by International Donor Agencies, Supervision Consultants have been employed. However for most of the works under execution, the Departmental Officers (here-in-after called Employer) are responsible for ensuring the quality of the works.

2. Similar is the position in respect of procurement of goods and equipment. The inspection is mostly in-house. In some PSUs third party inspections are adopted on a case-by-case basis and there is no consistency and uniformity of approach.

3. Complaints regarding acceptance of poor quality of works and procurement of goods and equipment not conforming to stipulated specifications continue to be reported.

4. The Sub-Committee under the Chairmanship of Secretary PWD, constituted by Government vide No. PWD 122 SO/FC 2003, Bangalore dated 8/5/2003 to examine and make recommendations regarding various aspects of Procurement Reform in the State examined the measures to improve quality control of works, inspection of goods and equipment and has made recommendations for improvement of Quality Control. The Working Group constituted vide GO No. PWD 1359 SO/FC 2001 dated 14/8/2002 reviewed and endorsed the recommendations of Sub-Committee. The Standing Committee for Procurement Reforms Action Plan based on CPAR, Karnataka constituted vide GO No. PWD 1359 SO/FC 2001 dated 5/8/2002 examined the recommendations in detail.

5. Third Party Inspection of Works and Supplies would ensure adherence to quality standards, leading to value for money. This will also check corruptive practices and instill public confidence in the system.

Government Order No. FD 55 Pro. Cell 2004, Bangalore, Dated: 17.02.2005

Based on the recommendations of the Standing Committee the following orders are issued.

(a) The appointment of independent Third Party Inspectors designated Quality Supervision Consultants would go a long way in assisting the Departmental Officers to ensure adherence to quality standards in construction works and procurement of goods and equipment;

(b) Third Party Inspection shall be mandatory in respect of all works contracts of estimated value more than Rs.2 crore and all goods and equipment contracts estimated to cost more than Rs.25 lakhs for an item of goods and equipment;

(c) Reputed Quality Supervision Consultants (either Individual or Firm) known for integrity and professionalism should be appointed by following the procedures for procurement of Consultancy services issued vide GO No. PWD 121 SO/Fc 2003, Bangalore dated 26/9/2003 with amendments issued from time to time thereof. The Terms of Reference should be well defined. Detailed Checklists, to be completed by the Quality Supervision Consultants, should be prepared (with the assistance of experts if need be) to ensure that the Consultants perform their obligations satisfactorily;

(d) The employment of the Quality Supervision Consultants could be either for one or more contracts for works or procurement of goods and equipment or for procurement made in a term or stipulated period for a Procurement Entity;

(e) Heads of the Department of the Government Managing Directors of PSUs Boards/ Societies Local Bodies shall employ the Quality Supervision Consultants and order payments to them on satisfactory performance. The expenditure on the employment of the Quality Supervision Consultants shall be charged to the cost of the works and goods and equipment under procurement;

(f) The Quality Supervision Consultant shall inspect the works periodically, submit reports along with the prescribed checklists duly completed to the Employer for taking action with a copy to the Secretary to the Government Managing Director of the Corporation/Board/Society/Local body. who will be responsible for review of the Action Taken Reports of the Employer;

(g) The Quality Supervision Consultant shall inspect the goods and equipment during manufacture/before dispatch after receipt, assembly and commissioning as per the terms of the contract and submit reports along with prescribed checklists duly completed to the Purchaser with a copy to the Secretary to the Government/Managing Director of the Corporation Board Society/Local body who will be responsible for Review of the Action Taken Reports of the Purchaser;

(h) The employment of the Quality Supervision Consultant and the inspections conducted by them shall not absolve the primary responsibility of the Employer to ensure completion of works of sound quality as per stipulated specifications and of Purchasers for Procurement of goods and equipment of good quality as per stipulations in the specifications. The Quality Supervision Consultants are there to assist the Employer/Purchaser in discharging their primary responsibility.

(i) The Quality Supervision Consultants should not be employed in respect of works and goods and equipment contracts of projects, where a specialized in house Quality Control Organization exists is planned or a separate Supervision Consultant has been employed.

2. This order will apply prospectively and will not be applicable for contracts conclude in the past or for tenders already invited.

3. This order shall apply to all Procurement Entities as defined in Section 2(d) of Chapter I of the KTPP Act, 1999

4. This order shall be appropriately incorporated in the Special Conditions of Contract of the Tender documents.

5.The contents of this order be appropriately incorporated in the Karnataka Public Works Department and other Manuals.

By Order and in the name of
the Governor of Karnataka

(Sudhakar Rao)
Principal Secretary to the Government,
Finance Department.

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