झारखण्ड सरकार
वित्त विभाग।

अधिसूचना

संख्याः–वित्त–36–Proc. Man.–01/2024..2315...../ राँची, दिनांक–04.10.2024

विषयः– **Jharkhand Procurement of Goods and Services Manual के प्राख्यापन के संबंध में।**

झारखण्ड राज्य के गठन के बाद से वित्त विभाग, झारखण्ड द्वारा सरकार के अधीनस्थ विभिन्न विभागों/कार्यालयों में सामग्रियों एवं सेवाओं की अधिप्राप्ति प्रक्रिया के विनियमन के निमित्त समय–समय पर परिपत्रादि निर्गत किये जाते रहे हैं। तथापि अधिप्राप्ति प्रक्रिया को सरल, एकरूप, पारदर्शी एवं प्रासंगिक बनाने के लिए एकीकृत दिशा–निदेश प्राख्यापित करने की आवश्यकता सदैव महसूस की जाती रही है।

2. सम्प्रति राज्य सरकार के विभिन्न विभागों/कार्यालयों द्वारा खुली प्रतिस्पर्धात्मक निविदा द्वारा अथवा Government e marketplace (GeM) platform के माध्यम से एवं ऑफलाइन कोटेशन आमंत्रित कर अधिप्राप्ति की कार्रवाई की जा रही है। उपर्युक्त सभी विधियों को Procurement Manual में समाहित करने की आवश्यकता है। विभिन्न माध्यमों से सामग्री की अधिप्राप्ति हेतु विहित अधिसीमा भी अब अप्रासंगिक हो गयी है जिसे संशोधित करने की आवश्यकता है। भारत सरकार द्वारा भी अधिप्राप्ति हेतु तय सीमा को समय–समय पर संशोधित किया जाता रहा है। साथ ही राज्य में रोजगार सृजन हेतु स्थानीय वेंडर्स एवं Manufacturers को प्रोत्साहित करना अधिप्राप्ति का एक प्रमुख उद्देश्य है।

3. उपर्युक्त आवश्यकता को दृष्टिगत रखते हुए Jharkhand Procurement of Goods and Services Manual को एतद् द्वारा अधिसूचित किया जाता है। Jharkhand Procurement of Goods and Services Manual एतद् अधिसूचना के निर्गत होने की तिथि से प्रभावी होगा।

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4. Jharkhand Procurement of Goods and Services Manual के प्राख्यापन संबंधी वित्त विभागीय संलेख ज्ञापांक 2242 दिनांक 27.09.2024 में निहित प्रस्ताव पर दिनांक 27.09.2024 को सम्पन्न मंत्रिपरिषद की बैठक में मद संख्या 43 के रूप में स्वीकृति प्रदान की गयी है।

झारखण्ड राज्यपाल के आदेश से

01/10/24

(प्रशांत कुमार)
सरकार के सचिव

ज्ञापांक :–वित्त–36–Proc. Man.–01/2024...2315... दिनांक ...04.10.2024...
प्रतिलिपि–अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, राँची को झारखण्ड राजपत्र के असाधारण अंक में प्रकाशनार्थ प्रेषित। अनुरोध है कि गजट की 100 अतिरिक्त प्रतियाँ उपलब्ध कराने की कृपा की जाय।

01/10/24

सरकार के सचिव

ज्ञापांक :–वित्त–36–Proc. Mam.–01/2024...2315... दिनांक ...04.10.2024...
प्रतिलिपि–मुख्य सचिव, झारखण्ड/सभी अपर मुख्य सचिव/प्रधान सचिव/सचिव/विभागाध्यक्ष/उपायुक्त, झारखण्ड को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

01/10/24

सरकार के सचिव

ज्ञापांक :–वित्त–36–Proc. Man.–01/2024...2315... दिनांक ...04.10.2024...
प्रतिलिपि–प्रधान महालेखाकार, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

01/10/24

सरकार के सचिव

ज्ञापांक :–वित्त–36–Proc. Man.–01/2024...2315... दिनांक ...04.10.2024...
प्रतिलिपि–सभी कोषागार/उप कोषागार पदाधिकारी, झारखण्ड को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

01/10/24

सरकार के सचिव

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Jharkhand Procurement of Goods and Services Manual

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CHAPTER- I

1. Definitions

In this draft manual, unless the context otherwise requires -

1.1 "Bid" (including the term 'tender', 'offer', 'expression of interest' or 'proposal') means an offer to supply goods or services in accordance with the terms and conditions set out in a document inviting such offers.

1.2 "Bidder" (including the term 'tenderer) means any individual or partnership firm or society or trust or company participating in a procurement process. Consortium (association of more than one individual/partnership firm/company/ society/trust) may or may not be permitted by procuring entity as bidder.

1.3 "Bid(ding) documents" (including the term 'tender (enquiry) documents' or "Request for Proposal Documents") means a document issued by the procuring entity, including any amendment thereto, that sets out the terms and conditions of the given procurement, and includes the invitation to bid.

1.4 "Bid security" (including the term "Earnest Money Deposit" or "EMO") means a security from a bidder to secure obligations from a prospective contract award with the intention to avoid the withdrawal of an offer within the validity of the bid after the specified deadline or failure to sign the contract after an offer has been accepted.

1.5 "Competent authority" means Additional Chief Secretary/Principal Secretary/Secretary of the concerned department.

1.6 "Electronic reverse auction" means an online real-time technique to select the successful bid by presentation of successively lowered bids by bidders during a scheduled period and automatic evaluation of bids.

1.7 "Goods" includes all articles, material, commodity, foodgrains, electrical goods, electronic goods, livestock, medicines, furniture, books, fixtures, raw material, consumables, spare parts, instruments, machinery, equipment, industrial plant, vehicles, aircrafts, ships, railway rolling stock assemblies, subassemblies, accessories, group of machines comprising an integrated production process or such other categories of goods or intangible products like software, technology transfer, license, patent or other intellectual properties (but excludes excisable goods like liquor, petroleum products needed for regular use, periodicals, etc., for a library) procured by a procuring entity. Procurement of goods may include certain work or services which are incidental or consequential to the supply of such goods such as transportation, insurance, installation, commissioning, training, operation, maintenance etc.

1.8 "Inventory" means any material, component or product that is held for later use.

1.9 "Notice inviting tenders/bids (NIT)" (including the term 'Invitation to

bid') means a document, and any amendment thereto, published or notified by the procuring entity which informs the potential bidders that it intends to procure goods and/or services.

1.10 "Procurement" (or "Purchase") means acquisition of goods or services or any combination thereof by a procuring entity by purchase, lease, license or otherwise, using public funds or any other source of funds (e.g. grant, loans, gifts, private investment etc.), but does not include any acquisition of goods or services without consideration, and the term "procure" or "procured" shall be construed accordingly.

1.11 "Procurement contract" (including the terms "Purchase Order" or "Supply Order" or "Contract for Services"), means a contract related to subject matter of procurement, executed by the supplier of goods or provider of services.

1.12 "Procurement Portal" means the online portal used by the procuring entity for procurement with the aim of open, non-discriminatory, and efficient procurement through transparent procedure. Government e Marketplace (GeM) portal, or the portal developed by Department of Information Technology and e Governance of the state, or any other procurement portal adopted with the prior approval of the state cabinet may be used for the purpose.

1.13 "Procurement process" means the process of procurement which includes assessment of need, issue of invitation to bid, evaluation of bids,

selection of successful bidder, award of procurement contract, execution of contract and performance of contract.

1.14 "Procuring entity" means any entity defined in clause 2 of this Manual.

1.15 "Procurement Officer'' means an officer of procuring entity authorized by competent authority to take decisions on behalf of that procuring entity regarding procurement of goods or services within sanctioned value.

1.16 "Prospective bidder" means anyone likely or desirous to be a bidder.

1.17 "Rate contract or Framework Agreement" means an agreement between a procuring entity and one successful bidder determined by competition, valid for a specified period, which sets out terms and conditions under which specific procurement may be made during the term of the agreement.

1.18 "Service" means any subject matter of procurement other than goods, except those incidental or consequential to the service, and includes physical, maintenance, professional, intellectual, training, consultancy and advisory services or any other service classified or declared as such by a procuring entity like outsourcing of human resources but does not include appointment of individuals.

1.19 "Subject matter of procurement" means any item of procurement whether in the form of goods or services or a combination thereof.

2. Procuring entity.

2.1 The following shall be procuring entity: -

2.1.1 A Department of the State government or a unit thereof or its attached or subordinate office/offices who have been authorized in this regard by competent authority to take decision regarding procurement of goods or services of that value.

2.1.2 A State Public Sector Enterprise owned or controlled by the State government which is a company in which more than fifty percent of the paid-up share capital is held-

2.1.2.1 By the State government or

2.1.2.2 By one or more companies in which the State government holds more than fifty percent of the paid-up share capital; or

2.1.2.3 By the State government and one or more companies in which the State government holds more than fifty percent of the paid-up share capital. A body or board or corporation or authority or society or trust established under an Act/Rule of Government of Jharkhand/ Government of India and whose expenditure is incurred from the Consolidated Fund of the State.

2.1.2.4 Any other entity which may be notified as procuring entity by the state government for the purpose of this

Manual.

2.2 Procurement Officer

2.2.1 For procurement at Department level, Additional Chief Secretary/Principal Secretary/Secretary of the concerned department, for procurement at Directorate level or an office attached to the secretariat, the Director/Head of Department, for procurement at Commissionerate level, Divisional Commissioner and for procurement at district level, Deputy Commissioner of the concerned district shall be the Procurement Officer.

2.2.2 For State Public Sector Enterprise, Chairman and Managing Director or Chief Executive Officer, whichever applicable, shall be the Procurement Officer.

2.2.3 For a body or corporation or authority or society or trust under an Act/Rule of Government of Jharkhand/Government of India and whose expenditure is incurred from the consolidated Fund of the State, the Procurement Officer shall be as provided for in the Article of Association/Bylaws or Rules of that Procurement Entity.

2.2.4 Except for anything specified in this manual, the Competent Authority, for subordinate office/offices under their department, may authorize an officer who is not subordinate to the Head of that office as Procurement Officer.

2.3. In case of projects financed under the assistance from multilateral or bilateral agencies/ foreign governments pursuant to inter-governmental agreement like projects financed by World Bank, Asian Development Bank, IFAD etc., the State

cabinet may permit the procuring entity to carry out procurement in accordance with the procurement process stipulated in terms of such assistance or agreement.

CHAPTER-II

General Principles of Procurement

3.1 While determining the need for procurement of goods and services, the procuring entity shall consider and assess its essentiality by ascertaining whether the procurement is essential for public need. It shall be the responsibility of the procuring entity to ensure that no procurement that is not essential for public need is made by it.

3.2 The quality (including the technical, performance and qualitative characteristics), the quantum and the extent of the subject matter of procurement shall be clearly spelt out to avoid unwarranted expenditure or idle inventory. The procuring entity shall not include superfluous and nonessential quantum or features of the subject matter of procurement. The procuring entity shall ensure that: -

3.2.1 The maintenance costs, where applicable, are reasonable and justified.

3.2.2 The proposed subject matter of procurement is compatible and interoperable with existing infrastructure or system. Example electronic hardware and software.

3.3 The technical specifications, detailed project report and terms of reference shall be so developed so as to ensure value - for money, a level playing field and wide competition. The technical specifications shall to the extent practicable: -

3.3.1 Be based on national technical regulations or recognized national standards like BIS, wherever such standards exist or in their absence be based on the relevant international standards.

3.3.2 Emphasize criteria such as efficiency, optimum energy consumption, limited maintenance cost and environment criteria such as reduced pollution, emission, noise levels, etc. and shall comply with applicable statutory obligations.

3.4 The procuring entity shall estimate the costs in realistic and objective manner.

3.5 The procuring entity shall consider the appropriateness of procurement of goods on exchange value by trading old, unusable/obsolete items for new ones to avoid dead stock and useless inventories.

3.6 The procuring entity shall maintain and preserve documents related to the determination of the need for procurement.

3.7 Every officer incurring or authorizing expenditure from public money shall be guided by the highest standards of financial propriety. Every officer shall also enforce financial order and strict economy and see that all relevant financial rules are observed by their own office and by subordinate officers. The procuring entity shall adhere to the following standards: -

3.7.1 Every officer is expected to exercise the same vigilance in respect of expenditure incurred from public money as a person of ordinary

prudence would exercise in respect of expenditure of their own money.

3.7.2 The expenditure shall not be prima facie more than the occasion demands.

3.7.3 No authority shall exercise its power of sanctioning expenditure to its own advantage.

3.7.4 Expenditure form public moneys shall not be incurred for the benefit of a particular person or a section of the people, unless the expenditure is in pursuance of a recognized policy or claim for the amount could be enforced in a Court of Law.

3.7.5 While incurring expenditure, such authority shall not take up any responsibility which may create conflict of interest.

3.8 The procuring entity shall:

3.8.1 Ensure efficiency, economy, and transparency.

3.8.2 Provide fair and equitable treatment to bidders.

3.8.3 Promote competition.

3.8.4 Evolve mechanisms to prevent corrupt practices.

3.9 The procurement process for goods and/or services shall typically involve the following activities, undertaken in the order stated below-

3.9.1 Need Assessment: Need assessment, formulation of specifications and Procurement Planning

3.9.2 Bid Invitation: Preparing bid documents, publication, receipt and opening of bids.

3.9.3 Bid Evaluation: Evaluation of bids and selection of successful Bidder.

3.9.4 Contract Execution: Award of contract, execution of contract and performance of contract.

4.0 Procurement committees: -

4.0.1 Bid preparation committees: -

4.0.1.1 Procuring entity shall constitute a committee for the preparation of bid documents in case of open competitive bidding where the value of subject matter of procurement is equal to or greater than Rupees 100,00,000/- (One crore).

4.0.1.2 procuring entity may or may not constitute a committee for the preparation of a bid document in case of open competitive bidding where the value of subject matter of procurement is less than Rupees 100,00,000/- (One crore).

4.0.2 Bid Evaluation Committee

4.0.2.1 The procuring entity shall constitute a committee for the evaluation of bids in case of open competitive bidding.

4.0.2.2 For departments and offices attached thereto at secretariat level one member of the committee for evaluation of bids (in case of open competitive bidding) shall be nominated by Department of Finance and one member shall be

nominated by Department of Cabinet Coordination and Vigilance in case of procurement by any procuring entity.

4.0.2.3 Nothing contained in the above para shall be applicable for Bid evaluation committees constituted at Commissionery, district, subdivision or any other field offices provided that the District Accounts Officer, wherever available, shall be a member of the committee.

4.0.3 Procurement Committee-

The procuring entity shall constitute a procurement committee where the value of subject matter of Procurement is less than Rupees Ten Lacs and procurement is not being made by open competitive bidding.

4.0.4 Bid Monitoring Committee-

The procuring entity may or may not constitute a committee to monitor the performance of the contract.

4.0.5 The procuring entity may constitute a committee for any other purpose related to procurement.

4.0.6 Each committee shall consist of three or more members as decided by the procuring entity, and if required, the procuring entity may nominate a technical official as subject matter specialist.

4.1 Procuring entity shall observe the following:

4.1.1 Procuring entity shall initiate procurement only after the competent authority has given administrative sanction.

4.1.2 The administrative sanction for procurement shall be accorded by competent authority as prescribed in the Rules of Executive Business or other relevant Acts/Manual/Orders notified by state government from time to time.

4.1.3 Procurement shall be initiated only if the procuring entity has been authorized by the competent authority in this regard.

4.1.4 Procurement shall be initiated only if budget provision exists for the requisite amount.

4.1.5 Procuring entity shall initiate procurement generally for a specific financial year after the sanction of budget. Procuring entity may initiate procurement spanning across more than one financial year or before the sanction of budget as an exception only when essential and if the scheme/project/program has been sanctioned by the competent authority for that period, provided that the reasons for undertaking such procurement shall be recorded in writing.

4.1.6 Procuring entity shall not split the procurement or make repeated procurement of the same subject matter of procurement to avoid obtaining sanction from higher authority.

4.2 Generally, the procurement shall be of a single good or service.

4.2.1 The procuring entity may, in the interest of efficiency, economy and timely completion, divide its procurement into appropriate packages

or combine the procurement of more than one good and/or service into appropriate packages. In such cases the procuring entity shall record the reasons in writing.

4.2.2 The procuring entity shall not divide or package its procurement after bids have been invited.

4.3 The procuring entity shall not procure goods or services from successful bidder selected by another procuring entity except with the prior approval of the state cabinet.

4.4 The procuring entity shall comply with all relevant laws and rules in the course of procurement.

CHAPTER- III

Methods of Procurement

5.1 Procurement may preferably be made on Government e marketplace (GeM) platform but procuring entity may make procurement outside the Government e marketplace (GeM) platform after giving due consideration to cost-efficiency and financial propriety and assigning reasons thereof in writing.

5.2 The procurement of goods and services on Government e Marketplace (GeM) shall be in accordance with the terms and conditions of Government e Marketplace (GeM).

5.3 The procuring entity may procure by one of the following methods when the value of subject matter of procurement is equal to or more than Rupees Ten Lacs-

5.3.1 The procuring entity may procure by open competitive bidding on Government e Marketplace (GeM). The procurement entity shall generally conduct electronic Reverse auction when the value of subject matter of procurement is equal to or more than Rupees One crore and they shall record the reason in writing if it is not feasible to conduct the reverse auction.

5.3.2 The procuring entity may procure by open competitive bidding on the procurement portal of Department of Information Technology and e Governance after giving due consideration to cost-effeciency and financial propriety and assigning reasons thereof in writing.

5.3.3 Procuring entity may use an online portal other than procurement portal of Department of Information Technology and e

Governance for the procurement of subject matter of procurement only with the prior approval of State Cabinet.

5.4 The procuring entity may procure by one of the following methods when the value of subject matter of procurement is more than *Rupees 1.5 Lacs and less than Rupees 10 Lacs*

5.4.1 The procuring entity may adopt open competitive bidding on Government e Marketplace (GeM). Alternatively, the procuring entity may procure by open competitive bidding on the procurement portal of Department of Information Technology and e Governance.

5.4.2 The procuring entity may procure at the lowest price after checking/obtaining prices offered by sellers of at least three different original equipment manufacturers on Government e Marketplace (GeM) provided the procurement committee is satisfied regarding price and specifications. The procuring entity shall not divide the quantity of subject matter of procurement to avoid the method of open competitive bidding.

5.4.3 Procurement entity may procure by online procurement, either from original equipment manufacturer website or from established e-Commerce sites such as Reliance Digital, Croma, Amazon, Flipkart etc. The procurement committee shall obtain prices from at least three different e-Commerce sites and make recommendation regarding purchase/ not to purchase. The procuring entity shall procure at the lowest available price based on the recommendation

of the procurement committee· The procurement committee shall satisfy itself that the subject matter of procurement meets the requisite specifications and is reasonably priced. The procuring entity shall not divide the quantity of subject matter of procurement to avoid the method of open competitive bidding.

5.4.4 The procuring entity may procure by the method of request for quotations. The procedure of procurement by request for quotations shall include the following:

5.4.4.1 Quotations shall be invited from as many potential bidders as practicable by publishing advertisements on the procuring entity's notice board, website *(if* available) and two local newspapers as well.

5.4.4.2 The quotes shall be tabulated and evaluated, and a comparative statement shall be prepared by the procurement committee recommending the successful bidder. The comparative statement shall be signed by all the members of the procurement Committee.

5.4.4.3 From a minimum of three quotations the lowest priced quotation which meets the specifications of the subject matter of procurement shall be recommended as the successful quotation by the procurement committee.

5.4.4.4 The procuring entity shall take the decision based on the recommendation of the procurement committee.

5.4.4.5 The procuring entity shall satisfy itself that the subject

matter of procurement meets the requisite specifications and is reasonably priced.

5.4.4.6 The procuring entity shall not divide the quantity of subject matter of procurement to avoid the method of open competitive bidding

5.4.4.7 The controlling/supervising officers and internal auditors may cross check a random sample of such procurements to ensure that: -

5.4.4.7.1 The same vendor(s) is/are not being patronized repeatedly.

5.4.4.7.2 The demand is not split into small quantities for the sole purpose of avoiding the necessity of obtaining approval from higher authority.

5.5 The procuring entity shall procure by the following methods when the value of subject matter of procurement is equal to or more than Rupees Fifty Thousand and equal to or less than 1.50 lacs.

5.5.1 The procuring entity may adopt open competitive bidding on Government e Marketplace (GeM) or the procuring entity may procure at the lowest price after checking/obtaining prices offered by at least sellers of three different original equipment manufacturers on Government e Marketplace (GeM) provided the procurement committee is satisfied regarding price and specifications.

5.5.2 Alternatively, the procuring entity may procure by open competitive

bidding on the procurement portal of Department of Information Technology and e Governance.

5.5.3 Procurement entity may procure by online procurement, either from original equipment manufacturer website or from established e-Commerce sites such as Reliance Digital, Croma, Amazon, Flipkart etc. The procurement committee shall obtain prices from at least three different e-Commerce sites and make recommendation regarding purchase/not to purchase. The procuring entity shall procure at the lowest available price based on the recommendation of the procurement committee. The procurement committee shall satisfy itself that the subject matter of procurement meets the requisite specifications and is reasonably priced. The procuring entity shall not divide the quantity of subject matter of procurement to avoid the method of open competitive bidding.

5.5.4 The procuring entity may procure by the method of request for quotations. The procedure of procurement by request for quotations shall include the following:

5.5.4.1 Quotations shall be invited from as many potential bidders as practicable by publishing advertisements on the procuring entity's noticeboard and website *(if* available).

5.5.4.2 The quotes from the bidders shall be tabulated and evaluated, and a comparative statement shall be prepared by the procurement committee recommending the successful bidder. The comparative statement shall be signed by all the

members of the procurement Committee.

5.5.4.3 From a minimum of three quotations the lowest priced quotation which meets the specifications of the subject matter of procurement shall be recommended as the successful quotation by the procurement committee.

5.5.4.4 The procuring entity shall take the decision based on the recommendation of the procurement committee.

5.5.4.5 The procuring entity shall satisfy itself that the subject matter of procurement meets the requisite specifications and is reasonably priced.

5.5.4.6 The procuring entity shall not divide the quantity of subject matter of procurement to avoid the method of open competitive bidding.

5.5.4.7 The controlling/supervising officers and internal auditors may cross check a random sample of such procurements to ensure that: -

5.5.4.7.1 The same vendor(s) is/are not being patronized repeatedly.

5.5.4.7.2 The demand is not split into small quantities for the sole purpose of avoiding the necessity of obtaining approval from higher authority.

5.6 The procuring entity shall procure by one of the following methods when the value of subject matter of procurement is less than Rupees Fifty Thousand.

5.6.1 The procuring entity may purchase directly from any of the available sellers on Government e Marketplace (GeM) provided the procurement entity is satisfied regarding price and specifications. The procuring entity shall not divide the quantity of subject matter of procurement to avail this method.

5.6.2 Procuring entity may procure by online procurement, either from original equipment manufacturer website or from established eCommerce sites such as Reliance Digital, Croma, Flipkart etc. The procuring entity shall procure at the lowest available price.

5.6.3 The procuring entity shall satisfy itself that the subject matter of procurement meets the requisite specifications and is reasonably priced. The procuring entity shall not divide the quantity of subject matter of procurement to avail this method.

5.6.4 The procuring entity may purchase directly from the market. The procurement entity shall satisfy itself that the subject matter of procurement is of requisite quality and is reasonably priced. The procuring entity shall not divide the quantity of subject matter of procurement to avail this method.

5.7 The procuring entity may directly purchase automobiles of value notified by the Department of Finance on Government e Marketplace (GeM) platform as per the terms and conditions of Government e Marketplace (GeM). If the make or model of automobile is not available on Government e Marketplace (GeM) platform, procuring entity may

decide to procure the automobile directly from authorized dealer/show-room. The procuring entity shall issue a certificate of non-availability of that particular make or model of automobile on Government e Marketplace (GeM) as per Schedule I in such cases. **

5.8 Rate Contract

5.8.1 The procuring entity may adopt the method of rate contract when the quantity of the subject matter of procurement cannot be exactly determined beforehand and there is likelihood of procurement. (Example Stationery, consumables like printer cartridge, Food items, installation of tent/hanger, hiring of vehicles, hiring of furniture).

5.8.2 The procedure for rate contract shall be as under: -

5.8.2.1 A procuring entity shall award a rate contract by the method of open competitive bidding on procurement portal of Department of Information Technology and e Governance.

5.8.2.2 An approximate quantity of required goods or service during the period may be indicated in the Notice Inviting Bids, but no minimum quantity is guaranteed.

5.8.2.3 The period of the rate contract shall generally be one year and shall not exceed two years.

5.8.2.4 In the first stage bids shall be invited as in open competitive bidding and rate contract shall be executed with the bidder of lowest priced bid.

5.8.2.5 A rate contract shall be executed without a commitment for quantity, place, and time of supply of subject matter of procurement, with the lowest price bidder. Procuring entity shall not execute Rate contract with more than one bidder.

5.8.2.6 In the second stage work order shall be placed with the single successful bidder at the contracted price for supply or execution of the required quantity of the subject matter of procurement mentioning the place of supply or execution, delivery schedule etc.

5.8.2.7 The process adopted for the rate contract shall be same as that prescribed for procurement by open competitive bidding.

5.8.2.8 The prices under a rate contract shall be subject to the price fall clause. A clause regarding price fall shall be incorporated in the terms and conditions of the rate contract. Price fall clause provides that if the rate contract holder offers similar goods or services at a price lower than the rate contract price to anyone in the State at any time during the duration of the rate contract, the rate contract price shall be automatically reduced with effect from the date of reducing the price.

5.8.2.9 The rate contract shall not be extended beyond the contract period.

5.8.2.10 The value of goods and services procured by rate contract

shall not exceed the budgetary provision for the year.

5.8.2.11 The value of goods and services procured by rate contract shall not exceed the financial power of the competent authority.

5.8.2.12 The procuring entity shall invite bids and finalize the next rate contract, if required, before the expiry of the period of a rate contract.

CHAPTER-IV

Open Competitive Bid Process Management

6.0 Open Competitive bidding

6.0.1 Procuring entity shall procure the subject matter of procurement by the method of open Competitive bidding when its value is equal to or greater than 10,00,000/-. The procuring entity may also procure by the method of open Competitive bidding when the value of subject matter of procurement is less than Rs 10,00,000/-. The procuring entity may conduct open Competitive bidding preferably on Government e Marketplace (GeM) or may conduct open Competitive bidding on the Procurement portal of Department of Information Technology and e Governance after giving due consideration to cost-efficiency and financial propriety and assigning reasons thereof in writing. Procuring entity may use an online portal other than the Government e Marketplace (GeM) or the Procurement portal of Department of Information Technology and e Governance for procurement only with the prior approval of State Cabinet.

6.0.2 The terms and conditions of Government e Marketplace (GeM) platform shall be followed in case of procurement on Government e Marketplace (GeM) platform.

6.0.3 The terms and conditions of procurement by open competitive bidding of Government e Marketplace (GeM) platform shall also be followed in case of procurement by open competitive bidding on

procurement portal of Department of Information Technology and e Governance or other online portal to the extent where no guidelines have been notified by Department of Finance or Department of Information Technology and e Governance.

6.0.4 The number of days for submission of bids shall generally be 15 days and not be less than 10 days or the least number of days as mandated by the terms and conditions of Government e Marketplace. In a situation of emergency, as an exception, the number of days for submission of bids may be reduced to a minimum of 5 days provided that the procuring entity shall record the reason for its essentiality in such cases in writing.

6.0.5 The procuring entity shall generally conduct electronic Reverse auction in case of procurement on Government e Marketplace (GeM) when the value of subject matter of procurement is equal to or more than Rupees One crore and they shall record the reason in writing if it is not feasible to conduct the reverse auction.

6.1 Bid Documents

6.1.2 Bid documents shall have a detailed description of the subject matter of procurement.

6.1.2.1 The description of the subject matter of procurement shall be set out in the bid documents and such description shall be well defined, clear, specific, unambiguous and in conformity with guidelines (if any)

issued by the state government.

6.1.2.2 Procuring entity shall specify the technical, qualitative and performance characteristics of the subject matter and include all specifications, standards, plans, drawings, designs, trials, sample testing and test methods, packaging, marking, labeling, conformity certification or symbols and terminology, etc. as necessary and applicable.

6.1.2.3 Reference to brand names, catalogue numbers or other details that limit any material or items to specific manufacturer(s) shall be avoided and not be made. Where unavoidable, such item descriptions shall always be followed by the words "or substantially equivalent".

6.1.3 The bid documents shall include the following: -

6.1.3.1 Notice inviting bids.

6.1.3.2 Instructions to bidders for preparing bid.

6.1.3.3 Requirement as to documents or other information that is to be submitted by the bidder as proof of its qualifications.

6.1.3.4 Criteria and procedure that shall be followed in the ascertainment of the qualification of bidders and minimum requirement with respect to technical, quality and performance characteristics.

6.1.3.5 Manner in which the bid price is to be formulated and expressed, including a statement as to whether the price is

to cover elements other than the cost of the goods or services such as transportation, insurance charges, customs duties and taxes etc.

6.1.3.6 Detailed procedure for submission, opening and evaluation of bids and the criteria to be used by the procuring entity in evaluation of bids and determination of successful bid.

6.1.3.7 Period during which bids shall remain valid.

6.1.3.8 Amount of bid security to be provided by bidder and terms and conditions thereof including the conditions of forfeiture.

6.1.3.9 Terms and conditions of the procurement contract or the draft of the contract to be executed by the successful bidder.

6.1.3.10 Amount of performance security to be provided by the bidder and terms and conditions thereof including the conditions of forfeiture.

6.1.3.11 Terms of payment to the successful bidder.

6.1.3.12 Penal provisions in case of noncompliance/ violation of terms of contract

6.1.3.13 Conditions of termination of contract.

6.1.3.14 Code of integrity for the bidders.

6.1.3.15 Conflict of interest for the bidders.

6.1.3.16 References to laws and regulations directly pertinent to the procurement proceedings may or may not be included.

6.1.3.17 Name, designation, address and e-mail address of

officer(s) who are authorized to communicate with the bidders in connection with the procurement proceedings.

6.1.4 Where procurement entity is the department of the state government or an attached office thereof or a State Public Sector Enterprise owned or controlled by the State government or a body or board or corporation or authority or society or trust established under an Act/Rule of Government of Jharkhand/Government of India and whose expenditure is incurred from the consolidated fund of State, the bid documents shall be vetted by the Internal Financial Advisor of the department. For other procurement entities the bid documents shall be vetted by the District Account Officer.

6.1.5 Procuring entity shall upload the bid documents on the Procurement portal.

6.2 Notice Inviting Bids

6.2.1 A procuring entity shall invite bids by causing an invitation to bid to be published on the Procurement portal and on its own official website, if available. An abridged notice shall also be published in newspapers of adequate circulation as follow:

6.2.1.1 One regional daily Hindi newspaper having daily circulation of 10000 copies or more where the subject matter of procurement is of value less than Rs 10,00,000/-

6.2.1.2 Two state level leading daily Hindi newspapers having daily circulation of 50000 copies or more where the subject matter of procurement is of value equal to or greater than 10,00,000/- and less than Rs 100,00,000/-.

6.2.1.3 Two state level leading daily Hindi newspapers having daily circulation of 50000 copies or more and one leading English daily all India newspaper having daily circulation of 500000 copies or more where the subject matter of procurement is of value equal to or greater than Rs 100,00,000/-.

6.2.2 An invitation to bid shall contain, at least, the following information:

6.2.2.1 The name and address of the procuring entity including email address.

6.2.2.2 Description of subject matter of procurement.

6.2.2.3 Details of the quantity of the goods, any incidental services to be performed, the location where the goods are to be delivered, the services which are to be provided including the scope of work/deliverable outcome and the required time frame.

6.2.2.4 Whether the bid is to be presented simultaneously in two packets (one packet containing the technical, quality and performance characteristics of the bid and the other packet containing the financial aspects of the bid) or single packet.

6.2.2.5 The manner, date, and time for the submission of bids.

6.2.2.6 The time and date of opening of bids.

6.2.2.7 The right of the procuring entity to cancel the bid process and reject any or all the bids.

6.2.2.8 Any other important information.

6.3 Zero Price of bidding documents and zero- processing fee or user charges: -

6.3.1 No price or processing fee or user charges shall be charged for the bidding documents.

6.4 Single packet and two packet bids: -

6.4.1 A procuring entity may:

6.4.1.1 Call for two packet bids. if it is of the opinion that it is essential to evaluate the techno--commercial aspects before considering the financial aspect.

6.4.1.1.1 One packet contains the technical bid like technical, quality and performance aspects, eligibility criteria and

6.4.1.1.2 The second packet contains financial bid like price and other financial details.

6.4.1.2 Call for bids in one packet containing the technical and financial aspects, including the price, if all the elements are to be evaluated together.

6.5 Bid Security

6.5.1 Bid security shall be 2% of the value of subject matter of procurement subject to exemption or relaxation approved by the state cabinet.

6.5.2 The form in which Bid security is to be accepted shall be as specified by procuring entity subject to terms and conditions of Government e Marketplace (GeM) or those notified by Department of Finance.

6.5.3 Every bidder, if not exempted under any rule, shall be required to furnish the bid security as specified in the notice inviting bids.

6.5.4 Bid security of a bidder lying with the procuring entity in respect of other bids awaiting decision shall not be adjusted towards bid security for the fresh bids. The bid security originally deposited may, however, be taken into consideration in case bids are re-invited.

6.5.5 The bid security of unsuccessful bidders shall be refunded within 15 days of final acceptance of successful bid and signing of Agreement.

6.5.6 The Bid security taken from a bidder shall be forfeited as per the conditions specified in the bid documents.

6.5.7 All procuring entities except state public sector enterprises shall deposit the forfeited bid security in the state treasury under the appropriate head within 7 days of forfeiture.

6.5.8 In the case of the successful bidder, the amount of bid security may be adjusted in arriving at the amount of the Performance Security.

6.5.9 The procuring entity shall return the bid security within 15 days or the earliest of the following events: -

6.5.9.1 Expiry of validity of bid security or

6.5.9.2 Execution of contract and submission of performance security by the successful bidder or

6.5.9.3 Cancellation of the procurement process or

6.5.9.4 Withdrawal of bid prior to the deadline for presenting bids when withdrawal is permitted.

6.6 Pre-bid conference.

6.6.1 The procuring entity may convene a pre-bid conference of the prospective bidders and shall prepare minutes of the meeting containing the requests submitted at the meeting for clarification of the bidding documents and its responses to those requests. The minutes shall be provided promptly to all bidders and shall be uploaded on the Procurement portal.

6.7 Changes in the bidding documents.

6.7.1 At any time prior to the deadline for presenting bids, the procuring entity may modify the bidding documents provided that the time between the uploading of modified bidding documents and the last date for submission of bids shall not be less than 7 days.

6.7.2 In case a modification is issued to the bidding documents, the procuring entity may, prior to the last date for submission of bids, extend the time limit to allow the bidders sufficient time to consider the modification. Any bidder who has submitted its bid in response to the original invitation shall have the opportunity to modify or resubmit it within the time as may be allowed for submission of bids. The bid last submitted shall be considered for evaluation.

6.8 Period of validity of bids.

6.8.1 Bids submitted by the bidders shall remain valid during the period specified in the bidding documents. A bid valid for a shorter period shall be rejected by the procuring entity as non-responsive.

6.9 Submission of bids.

6.9.1 Bidders shall submit their bids as specified in the bidding documents, subject to submission procedure as specified on the Procurement portal.

6.9.2 The bid shall be signed by the bidder, or a person duly authorized to sign on behalf of the bidder. This authorization shall consist of written confirmation as specified in the bidding documents and shall be attached to the bid.

6.10 Timeline for the submission of bids.

6.10.1 Bids shall be accepted up to the time and date specified in the Notice Inviting Bids.

6.10.2 The last date for submission of bids may be extended by the procuring entity. In such case the publicity of extended time and date shall be given in the manner, as was given at the time of issuing the original Notice Inviting Bids and shall also be uploaded on the Procurement portal.

6.11 Withdrawal and modification of bids

6.11.1 A bidder may withdraw or modify their bid after it has been submitted before the deadline for submission of bids in accordance with the terms and conditions of the Procurement portal.

6.12 Opening of bids.

6.12.1 The procuring entity or their authorized representative shall open the bid at the time and date specified in the bidding documents.

6.12.2 The procuring entity shall download all the documents and take printouts after opening the bid.

6.12.3 In the case of two packet bids only Technical Bid shall be opened. The Financial Bid shall be opened of only those bidders who qualify in the evaluation of their Technical Bids.

6.13 Tabulation of bids.

6.13.1 Tabulation of two packet bids:

6.13.1.1 Technical bids

6.13.1.1.1 Technical bids shall be tabulated by the bid evaluation committee in the form of a comparative statement to evaluate the qualification of the bidders against the criteria for qualification set out in the bidding documents.

6.13.1.2 Financial bids

6.13.1.2.1 After evaluation of technical bids, the financial bids shall be tabulated by the bid evaluation committee in the form of a comparative statement to evaluate the lowest or most advantageous bid based on evaluation criteria set out in the bidding documents.

6.13.2 Tabulation of Single packet bids:

6.13.1.1 Bids shall be tabulated by the bid evaluation committee in the form of a comparative statement to evaluate the technical qualification of the bidders against the criteria for qualification set out in the bidding documents.

6.13.1.2 Bids shall be tabulated by the bid evaluation committee in the form of a comparative statement to evaluate the lowest or most advantageous bid based on evaluation criteria set out in the bidding documents.

6.14 No Clarification of bids.

8.14.1 The procuring entity or the bid evaluation committee shall not ask any bidder for any clarification regarding its bid.

6.15 Criteria for evaluation.

6.15.1 The criteria for evaluation of bids shall be prudently chosen by the procuring entity in accordance with standards of financial propriety with a view to meet the determined public need appropriately as well as to ensure value for money, transparency, fair and wide competition. Any criterion that cannot be verified or assessed shall not be included in the evaluation criteria.

6.15.2 The criteria so chosen shall be clearly specified in the bidding documents and all bids shall be evaluated solely based on the criteria for evaluation specified therein.

6.15.3 The criteria once fixed for evaluation of bids and mentioned in the bid documents shall not be changed or relaxed.

6.16 Evaluation of Technical bids in case of two packet bids/Evaluation of Technical aspects in case of single packet bids.

6.16.1 The criteria fixed for evaluation of technical bids shall be in accordance with the provisions of this Manual and clearly mentioned in the bidding documents to ensure transparency in the selection process. The criteria once fixed for evaluation of technical bids shall not be changed or relaxed.

6.16.2 Techno-commercial qualifications of the bidders shall be evaluated in tabular form.

6.16.3 Bidders fulfilling the technical criteria shall be considered technically qualified.

6.16.4 Evaluation of Technical bids in case of two packet bids/ Evaluation of Technical aspects in case of single packet bids shall be completed within 15 days from the date of opening of bids.

6.16.5 The members of the bid evaluation committee shall give their recommendation below the comparative statement as to which of the bidders have been found to be qualified and sign it.

6.17 Determination of responsiveness.

6.17.1 The bid evaluation committee shall determine the responsiveness of a bid.

6.17.2 A respons_ive bid is one that meets the requirements of the bid documents without material deviation, reservation, or omission where: -

6.17.2.1 "Deviation" is a departure from the requirements specified in the bidding documents.

6.17.2.2 "Reservation" is the setting of limiting conditions or withholding from complete acceptance of the requirements specified in the bidding documents; and

6.17.2.3 "Omission" is the failure to submit part, or all the information or documentation required in the bidding documents.

6.17.3 A material deviation, reservation, or omission is one that if accepted, shall:

6.17.3.1 Affect in any substantial way the scope, quality, or performance of the subject matter of procurement specified in the bidding documents; or,

6.17.3.2 Limit in any substantial way, inconsistent with the bidding documents, the procuring entity's rights, or the bidder's obligations under the proposed contract; or,

6.17.3.3 If rectified, shall unfairly affect the competitive position of the other bidders presenting responsive bids.

6.17.4 The bid evaluation committee shall examine technical bid in case of double envelope bid or the technical aspects of the bid in case of single envelope bid to confirm that all requirements of bidding document have been met without any material deviation, reservation, or omission.

6.17.5 The procuring entity shall regard a bid as responsive if it conforms to all requirements set out in the bidding documents.

6.17.6 The bidders of responsive bids shall be informed in writing about the date and time of opening of their financial bids in case of double envelope bids.

6.17.7 The time period between uploading the decision of technical evaluation and the date of conduct of reverse auction or the opening of the financial bids shall not be less than 3 days (for grievance redressal) and shall not exceed 5 days.

6.18 Disqualification of bidders:

6.18.1 Procuring entity shall disqualify a bidder if:

6.18.1.1 The bid is not found to be responsive or

6.18.1.2 The information regarding the qualifications of the bidder was false or constituted a misrepresentation.

6.18.1.3 The bidder was debarred.

6.18.1.4 The bidder violates the code of integrity.

6.18.1.5 The bidder has a conflict of interest.

6.18.2 When the procuring entity disqualifies a bidder on ground of false information regarding the qualifications or misrepresentation or violation of code of integrity or conflict of interest then the principle of natural justice shall be observed, and bidder shall be given an opportunity to be heard.

6.19 Evaluation of financial bids.

6.19.1 Procuring entity shall take following actions for evaluation of financial bids:

6.19.1.1 In the case of single packet bid all responsive bids shall be considered for financial evaluation by the bid evaluation committee.

6.19.1.2 In the case of two packet bid the financial bids of the bidders, who qualified in technical evaluation and whose bids were found to be responsive, shall be opened at the notified time and date by the bid evaluation committee.

6.19.1.3 The time between uploading the decision of technical evaluation and the date of conduct of reverse auction or the opening of the financial bids shall not be less than 3 days (for grievance redressal) and shall not exceed 5 days.

6.19.1.4 The bids shall be tabulated and marked L1, L2, L3 etc. L1 being the lowest offer and then others in ascending order in the form of a comparative statement based on evaluation criteria set out in the bid document.

6.19.1.5 The members of the bid evaluation committee shall give their recommendation below the comparative statement as to which of the bidders have been found to be qualified and sign it.

6.19.1.6 The bid evaluation committee shall make its recommendations on the same day of opening the financial bid in case of selection of successful bidder by least cost method.

6.19.1.7 The bid evaluation committee shall make its recommendations within 3 days of opening the financial bid in case of selection of successful bidder by Quality and Cost Based Selection method (QCBS)

6.20 Price/purchase preference in evaluation.

6.20.1 Price and /or purchase preference as approved by the State Cabinet and as mentioned in the bidding documents shall be considered in the evaluation of bids and award of contract.

6.21 Method of selection.

6.21.1 The bids received in response to the Notice Inviting Tenders shall be evaluated and selected by any one of the two following methods as is appropriate to the nature and type of the procurement as was specified in the bid document: -

6.21.1.1 The Least Cost System (LCS) shall generally be followed for goods and services. There is no weightage for technical score in the final evaluation in Least Cost System (LCS) and the responsive, technically qualified proposal received with the lowest price or cost shall be selected.

6.21.1.2 Quality and Cost Based Selection method (QCBS) may be used for procurement of services, where the quality of services is of prime concern as prescribed herein below-

6.21.1.2.1 Initially the quality of technical proposals shall be scored as per the criteria specified in the RFP. Only those responsive proposals that have obtained the minimum qualifying score in the technical evaluation as specified in the RFP shall be considered further.

6.21.1.2.2 After opening and scoring the financial proposals of the responsive, technically qualified bidders a final combined score for both the quality and cost aspects shall be arrived at by giving predefined relative weightage for the scores on the quality parameters of the technical proposal and the score of the financial proposal.

6.21.1.2.3 The Request for Proposal (RFP) shall specify the minimum qualifying score for the quality of technical proposal and the relative weightage to be given to the quality and cost determined for each case depending on the relative importance of quality in relation to the cost aspects in the

assignment.

6.21.1.2.4 The weightage of the technical parameters shall be fixed in accordance with terms and conditions of Government e Marketplace (GeM) even in case of procurement done on portal of Department of Information Technology and e Governance. Under no circumstances the weightage assigned for qualitative or technical aspect shall exceed 70% of total evaluation criteria.

6.22 Procurement from a sole source.

6.22.1 Procurement of goods or services from a sole source may be resorted to in the following circumstances:

6.22.1.1 If in the knowledge of the Procurement entity only a particular firm is the manufacturer of the required goods or provider of service.

6.22.1.2 For standardization of machinery or spare parts to be compatible with the existing sets of equipment (on the advice of a competent technical expert and approved by the procurement entity), the required item is to be purchased only from a selected firm.

6.22.2 In case of procurement of goods from a sole source one of the following two situations may occur:

6.22.2.1 No less than two authorized dealers/resellers/ channel partners of single original equipment manufacturer submit responsive bids.

6.22.2.2 Single authorized dealer/reseller/channel partner or original equipment manufacturer submits the sole responsive bid.

6.22.3 The decision to accept the lowest or most advantageous bid from bids submitted by not less than two authorized dealers/ resellers/ channel partners of a single original equipment manufacturer shall be taken by the authority immediate superior to the Procurement Officer after obtaining Proprietary Article certificate as per Schedule II from procurement officer.

6.22.4 In the case where a firm as the sole manufacturer of good or provider of service is mentioned in the bid document and Single authorized dealer/reseller/channel partner or original equipment manufacturer submits the sole responsive bid, no contract shall be awarded. The procuring entity, if it deems fit, may reconsider the terms and conditions in the tender document including eligibility criteria of the bidders and shall invite the tender again. After refloating the tender, the decision to accept or reject the lowest or most advantageous bid from bids submitted by not less than two authorized dealers/ resellers/ channel partners or that submitted by single authorized dealers/ resellers/ channel partners of the single original equipment manufacturer shall be taken by the authority immediately superior to the Procurement Officer after obtaining Proprietary Article certificate as per Schedule II from procurement officer.

6.23 Method of procurement in case of single responsive bid when no firm as the sole manufacturer of good or provider of service is mentioned in the bid document:

6.23.1 In the case of only one responsive bid, when no firm as the sole manufacturer of goods or provider of service is mentioned in the bid document, ordinarily the financial bid shall not be opened, and a contract shall not be awarded.

6.23.2 In the case of receipt of only one responsive bid when no firm as the sole manufacturer of good or provider of service is mentioned in the bid document, procuring entity may reconsider the terms and conditions of the tender document including eligibility criteria of the bidders and invite the tender again.

6.23.3 The procuring entity may initiate the process of taking the decision to accept the single responsive bid, when no firm as the sole manufacturer of good or provider of service is mentioned in the bid document, only after the tender has been invited again after making modifications in terms and conditions including eligibility criteria.

6.23.4 The procuring entity shall not initiate the process of taking the decision to accept the single responsive bid if the tender has been invited again without making modifications to terms and conditions including eligibility criteria.

6.23.5 if sole responsive bid is received where the bid was reinvited after reconsidering the terms and conditions of the tender document including eligibility criteria of the bidders, the contract shall be awarded after

getting approval from the authority immediately superior to the Procurement Officer.

6.24 Acceptance of the successful bid and award of contract.

6.24.1 The procuring entity shall accept or reject the successful bid based on the recommendations of the bid evaluation committee within 3 days of the recommendations of the bid evaluation committee.

6.24.2 A bid shall be treated as successful only after the procuring entity has approved the procurement in terms of that bid.

6.24.3 The decision to accept or reject the successful bid and award the contract shall be taken only by the procuring entity and shall not be escalated to higher authority or delegated to lower authority except for single responsive bid cases or where procurement is to be made from a sole source where the decision would be taken by the competent authority having requisite financial power.

6.24.4 After accepting a bid, the procuring entity shall send communication to the successful bidder within 3 days to execute the contract and deposit the applicable performance security.

6.25 Information and publication of award.

6.25.1 Information of award of contract shall be communicated to all participating bidders and uploaded on the portal within a period of 3 days of decision to accept a bid.

6.26 Cancellation of procurement process before the execution of contract.

6.26.1 A procuring entity may cancel the process of procurement at any time prior to the award of the contract.

6.26.2 After cancelling the procurement, the procuring entity shall not open any bid.

6.26.3 The decision of the procuring entity to cancel the procurement shall be uploaded on the procurement portal or communicated to all bidders within a period of 3 days from such decision.

6.26.4 The order of cancellation would be permanent and would not be revoked.

6.26.5 Cancellation of the procurement process shall not prevent the procuring entity from initiating a new procurement process for the same subject matter of procurement.

6.27 Execution of contract.

6.27.1 The successful bidder shall contract within the period specified in the bidding document and not later than 10 days from the date of communication of award of contract.

6.27.2 The procurement contract shall be executed in the same format as the draft of the contract attached to the bid document or as per the terms and conditions of the bid documents.

6.27.3 If the successful bidder fails to execute the procurement contract the procuring entity may either cancel the procurement process or offer the contract to the next lowest or most advantageous bidder in

accordance with the terms and conditions of GeM.

6.27.4 A procurement contract shall come into force on the date on which the bidder has executed the contract.

6.27.5 Only one successful bidder shall execute the contract. Contract shall not be executed with more than one bidder.

6.27.6 The procuring entity shall not ask the bidder selected by another procuring entity to execute the contract.

6.27.7 The contract shall be for the duration specified in the bid document. The procuring entity shall not extend the duration of the contract.

6.27.8 The terms and conditions of procurement including payment milestones shall be specified in the contract.

6.27.9 Penalties for noncompliance with conditions of contract like inordinate delay in delivery of goods etc. shall be specified in the contract.

6.27.10 Conditions for termination of contract like breach of code of integrity or non-supply of goods or supply of goods not conforming to specifications etc. shall also be clearly defined in the contract.

6.28 Performance security.

6.28.1 Performance security shall 5% of the value of subject matter of procurement. Successful bidder shall deposit the performance security without exception.

6.28.2 Performance security shall be furnished in the form as specified in the bid document subject to terms and conditions of Government e Marketplace and Department of Finance.

6.28.3 Performance security shall remain valid for the period specified in the bid document.

6.28.4 Conditions of forfeiture of performance security shall be clearly defined in the contract.

6.29 Termination of contract

6.29.1 The procuring entity shall terminate the contract as per the terms and conditions specified in the contract.

6.29.2 The procuring entity shall terminate the contract when there is a breach of code of integrity by the bidder or when there is conflict of interest of the bidder. In such cases the bidder shall be given an opportunity to be heard.

6.29.3 The performance security shall be forfeited in case of termination of contract.

6.29.4 The procurement process shall be cancelled in case of termination of contract. The procuring entity shall not execute a contract with another bidder or L2 bidder.

6.29.5 The order of termination of contract would be permanent.

CHAPTER-V

Supplier Relations Management

7 Right to vary quantity.

7.1 The procuring entity shall place an order for the quantity only to the extent specified in the bid document. The extent to which the quantity ordered may vary shall also be as specified in the bid document.

7.2 The upward deviation in quantity ordered shall not exceed 20% of the quantity specified in the bid document if the deviation in quantity has not been specified in the bid document.

7.3 The procuring entity shall mention in the bid document that if the procuring entity does not procure any subject matter of procurement or procures less than the quantity specified in the bidding documents due to change in circumstances, the bidder shall not be entitled for any claim or compensation except otherwise provided in the bidding documents.

8. No division of quantity among more than one bidder

8.1 The entire quantity shall be procured from a single bidder with whom the contract has been executed. The procuring entity shall not divide the quantity among more than one bidder.

9 Confidentiality.

9.1 Subject to the provisions of Right to Information Act a procuring entity shall not disclose any information if such disclosure is likely to -

9.1.1 Impede enforcement of any law.

9.1.2 Affect the security of the state.

9.1.3 Affect the intellectual property rights or legitimate commercial interests of bidders.

9.1.4 Affect the legitimate commercial interests of the procuring entity in situations.

9.2 Except as otherwise provided in this Manual, a procuring entity shall treat all communication with bidders in such a manner as to avoid its disclosure to competing bidders or to any other person not authorized to have access to such information.

CHAPTER-VI

Code of Integrity for Procurement

10 Code of integrity for procuring entity.

10.1 All the officers or employees of the procuring entity shall: -

10.1.1 Maintain an unimpeachable standard of integrity.

10.1.2 Act in accordance with the provisions of this Manual and guidelines issued by the procuring entity.

10.1.3 Not allow any bidder to have access to information on procurement before such information is available to the public at large.

10.1.4 Not intentionally use unnecessarily restrictive or tailored specifications or terms of reference that may discourage competition.

10.1.5 Not solicit or accept any favor or reward or gift from anyone who has sought or is seeking procurement from the procuring entity.

10.1.6 Not have a financial interest in any bidder(s).

10.1.7 Not disclose proprietary and source selection information to any person other than a person authorized to receive such information.

10.1.8 Treat all bidders in a fair and equitable manner in line with the principle of fairness, integrity, and transparency.

10.1.9 Provide all bidders with identical information at the same time.

10.1.10 Apply the criteria of evaluation as specified in the bidding documents and under no circumstances shall introduce new evaluation criteria during the evaluation process.

10.1.11 Protect the interests of the procuring entity under all circumstances.

10.1.12 Maintain confidentiality of all bids.

10.1.13 Ensure that the selection of bidder is not influenced by personal reasons attributable to concerned officials in any manner.

10.1.14 Disclose conflict of interest, if any.

11 Code of integrity for Bidders

11.1 Bidder shall:

11.1.1 Not offer any bribe, reward or gift or any material benefit either directly or indirectly in exchange for an unfair advantage in procurement process or to otherwise influence the procurement process.

11.1.2 Not misrepresent information that misleads or attempts to mislead to obtain a financial or other benefit or avoid an obligation.

11.1.3 Not indulging in collusion with other bidders to impair the transparency, fairness, and progress of the procurement process.

11.1.4 Not misuse any information shared between the procuring entity *and* the bidders with an intent to gain an unfc ir advantage in the procurement process.

11.1.5 Not indulge in any coercion to any party or to its property to influence the procurement process.

11.1.6 Not obstruct any investigation or audit of a procurement process.

11.1.7 Disclose conflict of interest, if any.

11.1.8 Disclose debarment by any other procuring entity.

12 Conflict of interest for Procuring entity

12.1 A conflict of interest for procuring entity is a situation in which they have interests that could influence the performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations.

12.2 The situations in which a procuring entity may be in conflict of interest are: -

12.2.1 When the procuring entity's private interests such as professional or other relationships interfere with the performance of its functions or obligations.

12.2.2 When private interests such as personal investments, seeking employment with a bidder after retirement from the procuring entity's service or the receipt of a gift that may place the procuring entity in a position of obligation.

12.2.3 The use of procuring entity's assets, including human, financial and material assets, or the use of knowledge for private gain or to prejudice the position of someone.

12.2.4 When the procuring entity's personnel are seen to benefit or allow a third party, including family, friends or someone they favor, to benefit from procuring entity's personnel's actions or decisions.

13 Conflict of interest for Bidders

13.1 A Bidder may be in conflict of interest with one or more bidders in the

following situations: -

13.1.1 They have controlling partners/shareholders in common.

13.1.2 They receive or have received any direct or indirect subsidy from any of them.

13.1.3 They have the same legal representative for the purposes of the bid.

13.1.4 They have a relationship with each other that puts them in a position to have access to information about or influence on the bid of another.

14 Breach of code of integrity by the bidder

14.1 In case of breach of the code of integrity by a bidder or prospective bidder the procuring entity shall act as follows:

14.1.1 The procuring entity shall disqualify the bidder if the breach of code of integrity by the bidder occurs before the execution of the contract after giving the bidder an opportunity to be heard.

14.1.2 The procuring entity shall terminate the contract and cancel the procurement process if the breach of code of integrity is after the execution of the contract after giving the bidder an opportunity to be heard.

14.1.3 The procuring entity may issue an order of debarment of the bidder after giving the bidder an opportunity to be heard.

CHAPTER- VII

15 Debarment or Blacklisting

15.1 A bidder shall be debarred or blacklisted if they have been convicted by a court of law.

15.1.1 A bidder debarred due to conviction by a court of law shall not be eligible to participate in any procurement process of any procuring entity of the State for the period of conviction and three years henceforth. The period of debarment shall commence from the date of conviction. Debarment is automatic in case of conviction and no order of debarment is required to be passed.

15.2 A procuring entity may debar a bidder from participating in any procurement process undertaken by it for a specified period for not executing the contract in case of being successful or for failure to perform the contract like supply of sub-standard matter of procurement, non-supply of subject matter of procurement etc.

15.3 In cases where debarment is proposed to be limited to a single procuring entity, the appropriate orders would be issued by that procuring entity itself thereby banning all its business dealing with the debarred firm for the specified period.

15.4 Where it is proposed to extend the debarment beyond the jurisdiction of the procuring entity to all the procuring entities of the state, the requisite order shall be issued by the Secretary of the concerned administrative department with the consent of State cabinet. Such an order shall be circulated to all the

departments, Divisional Commissioners, Head of departments, Deputy Commissioners and State Public sector enterprises.

15.5 The bidder shall not be debarred unless such bidder has been given a reasonable opportunity to represent against the debarment. In the event of conviction, the debarment shall be automatic, and the bidder shall not be given opportunity to represent against the debarment.

15.6 The bidder shall be debarred only for the concerned procuring entity and not across all procuring entities of the state till the order for debarment is issued by Secretary of the concerned administrative department with the consent of State cabinet.

15.7 No contract shall be placed with the debarred entity by the procuring entity.

15.8 Bids from only such firms shall be considered for placement of contract, which are not debarred on the date of opening of tender.

15.9 Debarred bidders shall be disqualified, and bids submitted by debarred bidders shall be ignored. Bid security submitted by such debarred firms shall be forfeited.

15.10 The contract shall be terminated if the fact of debarment of the bidder comes to knowledge of the procuring entity after the execution of contract.

15.11 The contract shall not be affected by the debarment order if the contract has been executed before the issue of the debarment order by another procuring entity.

15.12 The period of debarment shall start from the date of issue of debarment order.

15.13 The Order of debarment will indicate the reason(s) in brief that led to debarment of the firm.

15.14 The Procurement entity shall maintain a list of bidders debarred by it.

15.15 All departments/Divisional Commissioners/Deputy Commissioners/State Public Sector enterprises shall maintain a list of bidders debarred by them.

16 Revocation of Order of Debarment.

16.1 Order of debarment shall be deemed to have been automatically revoked on the expiry of that specified period and it shall not be required to issue an order of revocation.

16.2 The revocation of order of debarment limited to the procuring entity before the expiry of the duration of debarment shall be issued by the procuring entity themselves with the consent of their controlling authority.

16.3 The revocation of order of debarment across all the procuring entities of the state before the expiry of the duration of debarment shall be issued by the procuring entity themselves with the consent of the State Cabinet.

16.4 An order for revocation of debarment shall be a reasoned order.

CHAPTER- VIII

Grievance Redressal

17 Review by procuring entity.

17.1 Any bidder or prospective bidder aggrieved by any decision of the procuring entity may, within such period as may be specified in bid document, make an application for review of such decision to the procuring entity specifying the ground or grounds thereof.

17.2 The official to whom the application for review shall be addressed shall be indicated in the bid document.

17.3 Upon receipt of a grievance regarding the bid document at any time up to the last date of submission of bids the procuring entity shall decide within 5 days whether to modify the bid document. If the procuring entity modifies the bid document, then they shall extend the last date of submission of bids so that the time between the uploading of modified bidding documents and the last date for submission of bids is not less than 7 days.

17.4 Upon receipt of a grievance regarding the decision of technical evaluation at any time before the conduct of reverse auction or the opening of financial bids the procuring entity shall decide within 3 days before proceeding with conduct of reverse auction or the opening of financial bids. The date for reverse auction or opening of financial bids may be extended accordingly.

17.5 The procuring entity shall decide after examining the merit of the application and communicate its decision to the grievance holder or bidder.

CHAPTER-IX

Documentary records

18 Documentary record of procurement proceedings.

18.1 Subject to the provisions of the Right to Information Act, 2005 and/or any other law/rule for the time being in force relating to retention of records, the procuring entity shall retain all the documents related to the procurement process.

CHAPTER-X

Repeal and Savings

19 Repeal and savings.

19.1 All Manuals, regulations, orders, notifications, by-laws, official memoranda, or circulars related to procurement of goods or services which are in force on the date of commencement of this Manual shall be repealed to the extent they are covered by this Manual.

19.1.1 Provided that such repeal shall not affect the previous operation of Manual, regulations, orders, notifications, departmental codes, manuals, by-laws, official memoranda, or circulars, so repealed.

19.1.2 Provided that the procurement process which commenced before the commencement of this Manual shall continue as per the extant provisions of Manual, regulations, orders, notifications, departmental codes, manuals, by-laws, official memoranda, or circulars, so repealed.

19.1.3 Provided further that such regulations, orders, notifications, departmental codes, manuals, bylaws, official Memoranda, or circulars containing provisions not covered by this manual and not in contravention to this Manual shall continue to remain in force and apply accordingly.

Schedule I

Certificate of non-availability of subject matter of procurement on GeM Portal

As a procuring entity the undersigned is satisfied that ..... (the subject matter of procurement) is not available as on.....(date) on Government e marketplace.

(Signature with date and designation of an authorized officer)

Schedule II

Proprietary Article Certificate to be issued/ provided by the procuring entity before procuring the subject matter of procurement from a sole source.

As a procuring entity the undersigned is satisfied that

(i) ..... (the subject matter of procurement) is manufactured/provided by M/s.....

(ii) No other make or model is acceptable for the following reasons:

(iii) The subject matter of procurement meets the requisite specifications.

(iv) The subject matter of procurement is reasonably priced.

(Signature with date and designation of the authorized officer)