



ವಿಷಯ: ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ

1999 ಮತ್ತು ಅದರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳ ಸಮರ್ಪಕ ಪಾಲನೆ.

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ಸ್ಥಾಯೀ ಆದೇಶ 059, ದಿನಾಂಕ 20.11.2001 ರಲ್ಲಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ 1999 ಮತ್ತು ಅದರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳನ್ನು ಆಳವಡಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

ಈ ಆದೇಶಗಳನ್ನು ಸಮರ್ಪಕವಾಗಿ ಕಾರ್ಯರೂಪಕ್ಕೆ ತರಲು, ಸದರಿ ಅಧಿನಿಯಮದನ್ವಯ ಕರ್ನಾಟಕ ಸರ್ಕಾರವು ಹೊರಡಿಸಲಾದ ಅಧಿನಿಯಮ ಮತ್ತು ಅದರಡಿಯಲ್ಲಿನ ನಿಯಮಗಳು, ಸುತ್ತೋಲೆಗಳು ಮತ್ತು ಪ್ರಕಟಣೆಗಳಲ್ಲಿನ ವಿವಿಧ ಉಪಬಂಧಗಳನ್ನು ವಿವರವಾಗಿ ಚರ್ಚಿಸಲು ಕಾರ್ಯಾಗಾರವನ್ನು ಆಯೋಜಿಸುವುದು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಲಾಯಿತು. ಅದರಂತೆ, ಶಾಖೋತ್ಪನ್ನ ಮತ್ತು ಜಲವಿದ್ಯುತ್ ಯೋಜನಾ [ ವಿನ್ಯಾಸ ವಿಭಾಗ ಮತ್ತು ಕೇಂದ್ರ ಕಛೇರಿ ಸೇರಿದಂತೆ] ಅಧಿಕಾರಿಗಳಿಗೆ ಎರಡು ಪ್ರತ್ಯೇಕ ಕಾರ್ಯಾಗಾರವನ್ನು ನಡೆಸಲಾಗಿದ್ದು, ಅದರಲ್ಲಿ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು ಭಾಗವಹಿಸಿದ್ದರು. ಮೇ:: ದುವಾ ಅಸೋಸಿಯೇಟ್ಸ್‌ನ ಕಾನೂನು ಸಲಹೆಗಾರರಿಂದ ಉಪಯುಕ್ತ ಮಾಹಿತಿಗಳನ್ನು ಭಾಗವಹಿಸಿದ್ದ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಒದಗಿಸಲಾಯಿತು.

ಇದರನ್ವಯ, ಸಮರ್ಪಕವಾಗಿ ಈ ಆದೇಶಗಳನ್ನು ಕಾರ್ಯರೂಪಕ್ಕೆ ತರಲು ಕೆಲವು ಮಾರ್ಪಾಡುಗಳನ್ನು ಮತ್ತು ಸೂಚನೆಗಳನ್ನು ಈ ಆದೇಶದಲ್ಲಿನ ಅನುಬಂಧ-1ರಲ್ಲಿ ಹೊರಡಿಸಲಾಗಿದೆ.

ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರವರಿಂದ ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿದೆ

*(ಹಸ್ತಾಕ್ಷರ)*  
ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರ ಪರವಾಗಿ

ಪ್ರತಿ: ಎಫ್‌ಡಿ/ಟಿಡಿ

- : ಎಲ್ಲ ಇಡಿಗಳು
- : ಎಲ್ಲ ಸಿಇಗಳು/ಜಿಎಂ(ಎ)-ಆಲ್‌ಟಿ/ಟಿ. ಜಿಎಂ(ಸಿಸಿ)/ಜಿಎಂ(ಸಿಎ)/ಸಿಎಂಎಸ್
- : ಎಲ್ಲ ಎಸ್‌ಇಗಳು/ಡಿಜಿಎಂ(ಎಫ್)ಗಳು/ಡಿಜಿಎಂ(ಹೆಚ್‌ಆರ್‌ಡಿ)ಗಳು/ಡಿಜಿಎಂ(ಜಿ)/ಸಿವಿಟಿ/ಎಂಎಸ್/ಎಲ್‌ಎಂಎಸ್
- : ಎಲ್ಲ ಇಇಗಳು/ಎಜಿಎಂ(ಹೆಚ್‌ಆರ್‌ಡಿ)ಗಳು/ಎಜಿಎಂ(ಎಫ್)ಗಳು/ಎಜಿಎಂ(ಎಸ್)ಗಳು/ಎಜಿಎಂ(ಜಿ)ಗಳು  
ವ್ಯ.ನಿಯಮರ ಕಾರ್ಯನಿರ್ವಾಹಕ ಕಾರ್ಯದರ್ಶಿ
- : ಎಲ್ಲ ಎಓಗಳು

## ANNEXURE - I

### *Modification to the existing SR 059 dated 20.11.2001 / instructions*

Sl.No.	Particulars	Instructions / modification to the existing SR
1	Sec. 4(c) speaks of a procuring entity with regard to procurement of additional supplies from the same supplier or contractor for reasons of standardization and compatibility	<ul style="list-style-type: none"><li>• Since KPCL is the procuring entity and the officers are exercising the power to procure various items, the Executive Directors / Chief Engineers are now notified as the authorities empowered to approve such procurement.</li></ul>
2	Sec. 4e (i) & (ii) Provides for exemptions from KTPP Act to construction works not exceeding Rs. 5 lakhs and goods and services other than construction work not exceeding Rs. 1 lakh	<ul style="list-style-type: none"><li>• Though tendering is not mandated, the existing practice of calling for tenders and quotations even for works not exceeding Rs. 5 lakhs and other goods and services not exceeding Rs. 1 lakh will continue.</li><li>• Further, Government of Karnataka has issued circular instructions that where works are split due to urgency and or the need to expedite the works, the approval of the tender accepting authority for the aggregate value of all the works which have been split shall be obtained. These instructions shall be followed scrupulously in KPCL also.</li></ul>
3	Sec 7 speaks of tender bulletin officers for the state and the districts. Rules 7 & 8 provide for publication of tender notices in state tender bulletin where procurement exceeds Rs. 1 crore and above as also in the district tender bulletin.	<ul style="list-style-type: none"><li>• Tender Bulletin Officer and the District Bulletin Officer for the KPCL are notified as Deputy Secretary, Energy Dept., and Deputy Commissioner of the respective Districts. The Heads of Units / Projects shall comply with these requirements.</li></ul>
4	Rule 10 speaks of publication of NIT in newspapers based on value of procurement as per departmental rules	<ul style="list-style-type: none"><li>• Existing guidelines for publication of NIT as regards number of papers and insertions are modified as in Annexure-II.</li></ul>
5	Sec. 10 & Rule 20 (2) provides for constitution of Tender Scrutiny Committee where the value of the tender is in excess of Rs. 1 crore	<ul style="list-style-type: none"><li>• The CMGs have been constituted for each project as well as Designs wing. MD has also constituted CMGs for major tenders which are to be processed through Technical Committee to the Board. In the projects, there is an existing mechanism of Purchase Committee comprising the Technical and Accounts personnel.</li></ul>

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		<ul style="list-style-type: none"> <li>The CMGs now constituted and that may be constituted as also the Purchase Committees shall be deemed as the Tender Scrutiny Committee for the purposes of the KTTP Act &amp; Rules:</li> </ul>
6	<p>Sec. 9 provides for appointment of Tender Inviting Authority and Tender Accepting Authority by a Procurement Entity</p>	<ul style="list-style-type: none"> <li>In the existing SR, it has already been indicated that the Chief Engineers/General Managers, SEs &amp; EEs are Tender Inviting Authorities in respect of tenders within the corresponding financial limits specified under the delegation of powers. Similarly, on the same principle these officers have also been notified as Tender Accepting Authority.</li> <li>The Executive Directors are also now notified as the Tender Inviting Authority. As far as the Tender Accepting Authority is concerned he will be the next immediate officer above the level of the Tender Inviting Authority. The Tender Accepting Authority shall not accept unless invited by the authorities lower to them. Hence the Tender Accepting Authority may authorize the lower authority to invite the tenders.</li> </ul>
7	<p>Rules 19 &amp; 24 envisage furnishing of suitable earnest money deposit. KPCL SR provides for waiver of EMD by the officers at their discretion</p>	<ul style="list-style-type: none"> <li>Where goods/spares are being procured from proprietary sources under 4(c) waiver of EMD may be considered.</li> <li>In all other cases of procurement through tender, reasonable EMD shall be fixed by the Tender Inviting Authority.</li> </ul>
8	<p>Rule 12 (3) envisage furnishing of suitable security deposit. KPCL officers have sought for waiver of SD for procurement of proprietary articles</p>	<ul style="list-style-type: none"> <li>Where goods/spares are being procured from proprietary sources under 4(c) waiver of SD may be considered.</li> <li>In all other cases of procurement through tender, reasonable SD shall be fixed by the Tender Inviting Authority.</li> </ul>
9	<p>Validity of Bids &amp; Extension thereof Rule 12 provides for an initial period of validity of not less than 90 days. Rule 22 provides for seeking an extension by the Tender Accepting Authority from the tenderers for completion of evaluation. In the event, the</p>	<ul style="list-style-type: none"> <li>Tender Inviting Authorities may specify that the initial validity period could be upto a period of 180 days and Tender Accepting Authority shall seek extension of validity of tenders from the tenderers for a suitable period as per Rule 22(2). The extension sought shall not be for a period in excess of 180 days.</li> <li>Where either due to extension of time or</li> </ul>

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	evaluation and award is not completed within the extended period, the tenders shall be deemed to become invalid.	otherwise, a bidder has submitted two bids, the latest bid can be considered and the facts recorded in the tender opening proceedings.
10.	Rule 13 provides that TIA shall make available tender documents from the date indicated in the NIT to all those who are willing to remit the cost of the documents. However, in case of registered contractors, the same can be supplied only to those of an appropriate class. Further, documents can be sent by Regd. Post or courier on payment of cost at their risk and responsibility of the prospective tenderer.	It is clarified that: <ul style="list-style-type: none"> <li>• Tender documents shall be issued to all those who seek the same on payment of the requisite cost. However, where the tender process involves a pre-qualification stage, tender documents may be issued to those pre-qualified tenderers only.</li> <li>• Tender documents can be sent by Regd. Post or courier at the risk and cost of the prospective tenderer</li> </ul>
11.	Rule 14 provides for giving clarifications by the Tender Inviting Authority anytime after the issue of the tender documents and before opening of the tender	<ul style="list-style-type: none"> <li>• TIA shall give all clarifications at one point. If there is a pre-bid meeting, a consolidated list of clarifications may be issued. Clarifications shall pertain to the tender conditions only and not with regard to pre-qualifications unless approved by a higher authority to the TIA. The clarification shall be furnished in writing to all the pre-qualified bidders.</li> </ul>
12	Rule 19 provides for the procedure to be followed at tender opening	<ul style="list-style-type: none"> <li>• It is clarified that the tender opening, inter alia, covering the procedure as per Clauses (a) to (c) of rule 19 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</li> </ul>
13	Rule 28 provides for two cover system in case of tenders exceeding Rs. 50 lakhs in value for construction or supply and installation of equipment and where PQR or turn key tender system is not followed	<ul style="list-style-type: none"> <li>• Wherever two covers are sought from the bidders, Part I shall contain the requirements towards experience, performance, financial status and the terms and conditions including technical scope. Part II shall be the price schedule. Each of the parts shall be enclosed in separate covers only the second cover containing the price quotations of those qualified tenders shall be opened by the TIA.</li> </ul>
14	Sec. 13 requires that the Tender Accepting Authority shall forward the information about acceptance of tender together	It is clarified that : <ul style="list-style-type: none"> <li>• a TAA due to retire within 6 months shall take the prior approval of the next higher authority before according approval to</li> </ul>

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<p>with a comparative analysis and reasons for accepting the tender to the Tender Bulletin Officer</p> <p>Further where the Tender Accepting Authority is an officer due to retire within 6 months from the date fixed for acceptance of tender, he shall not do so without the prior approval of the procurement entity.</p> <p>Negotiations can be carried out with L-1 subject to general or special orders issued by Government from time to time. GoK has issued guidelines for negotiations both for item rate and fixed price contracts which are to be followed.</p>	<p>tenders</p> <ul style="list-style-type: none"> <li>• TLV/TAA# to send comparative analysis to the Tender Bulletin Officer concerned</li> <li>• Negotiations to be carried out in line with the guidelines issued by the Government from time to time.</li> </ul>
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## ANNEXURE -II

### PUBLICATION OF NIT

<b>Tender Value</b>	<b>Existing</b>	<b>Cost of form</b>	<b>Modified</b>
Upto Rs. 5 lakhs :	15 days time, Notice Board/local/regd. Contractors/reputed manufacturers / suppliers / association offices	Rs. 100/-	<ul style="list-style-type: none"><li>• 30 days unless reduction in time authorized by an authority superior to Tender Inviting Authority, for reasons recorded in writing [As required in rule 17(2)].</li><li>• One local newspaper insertion</li></ul>
Rs. 5 -10 lakhs	-do-	Rs.250/-	<ul style="list-style-type: none"><li>• 30 days unless reduction in time authorized by an authority superior to Tender Inviting Authority, for reasons recorded in writing [As required in rule 17(2)]</li><li>• One local newspaper insertion</li><li>• Copy to District Tender Bulletin Officer</li></ul>
Rs. 10-25 lakhs	21 days time, single publication in local newspapers / regd. dealers in addition to other requirements as above	Rs. 750/-	<ul style="list-style-type: none"><li>• 30 days unless reduction in time authorized by an authority superior to Tender Inviting Authority, for reasons recorded in writing [As required in rule 17(2)]</li><li>• Copy to District Tender Bulletin Officer</li><li>• Local Newspaper</li></ul>
Rs. 25 lakhs & >	1 month / single publication in 1 major / local newspaper of South India - State / National depending on nature of work	Rs. 1000/- (Rs. 25-100 lakhs) Rs. 2500/- (Rs. 100 Lac & Upto Rs.2 crores)	<ul style="list-style-type: none"><li>• 30 days unless reduction in time authorized by an authority superior to Tender Inviting Authority for reasons recorded in writing [As required in rule 17(2)]</li><li>• One local newspaper insertion</li><li>• Copy to District and State Tender Bulletin Officers where value is Rs. 1 crore and above</li></ul>
Upto Rs. 2 crores	1 month / single publication in 1 major / local newspaper of South India - State / National depending on nature of work	Rs. 2500/-	<ul style="list-style-type: none"><li>• 30 days unless reduction in time authorized by an authority superior to Tender Inviting Authority, for reasons recorded in writing [As required in rule 17(2)]</li><li>• Copy to District and State Tender Bulletin Officers where value is Rs. 1 crore and above</li></ul>

Above Rs. 2 crores	1 month / single publication in 1 major / local newspaper of South India - State / National depending on nature of work	Rs. 2500/-	<ul style="list-style-type: none"> <li>• 60 days unless reduction in time authorized by an authority superior to Tender Inviting Authority</li> <li>• One insertion in Indian Trade Journal where value is Rs. 10 crores &amp; above</li> <li>• Copy to District &amp; State Tender Bulletin Officers</li> </ul>
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- Note: i) The TIAs may fix the cost of the tender documents at higher rates if considered necessary with the prior approval of the Tender Accepting Authority;
- ii) A comparative statement of cost of an 8x2 col. insertion of an NIT in various newspapers is enclosed. The TIAs / CCCM can exercise discretion in the choice of the newspaper keeping in mind the cost and the coverage.

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