

No.925-F(Y)

MEMORANDUM

Dated, the 14<sup>th</sup> of February, 2017

**Sub : Revised norms for acceptance of L1 / HI bid / Single bid when the no. of qualified bidders during 2<sup>nd</sup> call is less than 3**

As per FD Memo No. 9754-F(Y) dated 03.12.2012, if the response to Tender (including e-Tender) is less than three (3), then Tender is invited afresh in terms of note 1 below rule 47(8) of West Bengal Financial Rules as amended by this department Notification no. 5400-F(Y) dt. 25.6.2012. The Tender Notice and Re-Tender notice, if any, is required to be published in widely circulated dailies and also through e-Tender portal in case of e-Tender/e-Auction. Prior to invitation of Tender/Auction the eligibility criteria and other terms & conditions are required to be prepared carefully by the Tender Inviting Authority. However, in case of 2<sup>nd</sup> call, if any, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting Tender' are required to be reviewed by the Tender Inviting Authority to ascertain whether-

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

However, it has been observed that in many cases the above provisions and procedures of reviewing the eligibility criteria and wide publication of the NIT for tender/ 2<sup>nd</sup> call are not being properly observed by the Tender Inviting Authority and the departments.

Also, in some cases, extending the time for submission of bids after the expiry of normal time is regarded as equivalent to re-tender or fresh tender.

Under such circumstances, in partial modification of this Department Memorandum No. 9754-F(Y) dated 03.12.2012 and the related orders issued in this regard, the following provisions regarding extension of last date of submission of bids and acceptance of bids when the nos. of qualified bidders during re-tender is less than three (3) are to be followed:

- I. **Extension of date:**
  - a. The tender process shall be initiated well in advance keeping in mind that there may be a situation for extension of last dates and/or re-tender.
  - b. Last date of submission may be extended if the notice of extension is issued within the life of the tender period.
  - c. After expiry of the Tender period date cannot be extended, however re-tender may be invited
  - d. Extension of date cannot be treated as 2<sup>nd</sup> or subsequent Call.

II. **If the number of qualified bidders during tender /re-tender/re-Auction is less than 3 :-**  
The Tender Inviting Authority (TIA) shall take a decision based on following situations -

A. **If the estimate is less than 5 lakhs :**

Case 1: If the no. of qualified bidder is 1 during retender, the Departmental Head / Secretary may accept the tender in consultation with the FA of the Department.

Case 2: If the no. of qualified bidder is 2 during retender, The Tender Inviting Authority may accept the tender on recommendation of the Tender Committee.

**B. If the estimate is equal to or more than 5 lakhs but not more than One Crore:**

**Case 1: If the no. of qualified bidder is one during retender :**

- i) If the Bid is within 2% above the Estimate, the Departmental Head / Secretary may accept the tender in consultation with the FA of the Department on recommendation of the Departmental Tender Committee
- ii) If the Bid is beyond 2% above the Estimate, the Departmental Head / Secretary, in consultation with the FA of the Department will refer the file to the Finance Department.

**Case 2 : If the no. of qualified bidder is two during retender :**

- i) If the Bid is within 2% above the Estimate, the Tender Inviting Authority may accept the tender on recommendation of the Tender Committee.
- ii) If the Bid is more than 2% but less than 5% above the Estimate, the Departmental Head / Secretary may accept the tender in consultation with the FA of the Department on recommendation of the Departmental Tender Committee
- iii) If the Bid is more than 5% above the Estimate, the Departmental Head / Secretary, in consultation with the FA of the Department will refer the file to the Finance Department for approval.


**C. If the estimate is more than one Crore :**

The Departmental Head / Secretary, in consultation with the FA of the Department and Departmental Tender Committee will refer the file to the Finance Department

However, in all such cases at A, B and C above, the following procedure is to be observed :

- 1) In case the tender is to be accepted by the Head of the Administrative Department / Secretary, the TIA will forward the case along with the duly filled up Format (Annexure-I) and necessary documents to the Head of the Administrative Department. The Head of the Administrative Department, in consultation with the FA of the Department on recommendation from the Departmental Tender Committee, will take the decision and accord approval at his level.
- 2) If the case is to be referred to Finance Department through the Head of the Administrative Department / Secretary, the TIA will forward the case along with the duly filled up Format (Annexure-I) and necessary documents to the Head of the Administrative Department. The Head of the Administrative Department, in consultation with the FA of the Department on recommendation from the Departmental Tender Committee, will forward the file to the Finance Department along with necessary justifications.
- 3) All the administrative Departments may constitute a Departmental Tender Committee, if not already done, for doing the above noted work.

This order takes effect from 15.02.2017.

  
Principal Secretary to the  
Government of West Bengal

**Annexure I**

Estimated amount	
Amount put to tender	
<u>In case of First Call</u>	
Eligibility Criteria (Technical)	
Eligibility Criteria (Financial)	
Details of Publications of NIT	
Date of NIT:	
Last Date of submission of bid :	
Names of Newspapers in which publicity was made :	
Whether e-Tender:	
Nos. of Bidders Responded	
Nos. of Technically Qualified Bidders	
<u>In case of 2<sup>nd</sup> Call</u>	
Revised Eligibility Criteria (Technical)	
Revised Eligibility Criteria (Financial)	
Details of Publications of NIT	
Date of NIT:	
Last Date of submission of bid :	
Names of Newspapers in which publicity was made	
Whether e-Tender:	
Nos. of Bidders Responded	
Nos. of Technically Qualified Bidders	
Details of Financial Bids received	
Whether and by what % is the L1 bid is -	
a. Below the amount put to tender	
b. at par the amount put to tender	
c. beyond the amount put to tender	
d. Reasonable market rates	
Specific Comments of TIA with reasons justifying and recommending the acceptance of L1 bid from less than three (3) bidders	
Specific Recommendation of the FA	
In case of (a) & (b) recommendation of Head of the Administrative Department	

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