

राजस्थान सरकार
वित्त विभाग
(सामान्य वित्तीय एवं लेखा नियम अनुभाग)

क्रमांक प.3(2)/वित्त/साविलेनि/2020

जयपुर, दिनांक : 31.07.2020

समस्त लेखा संवर्ग के अधिकारी,
समस्त उपापन संस्था/स्टेक होल्डर्स

विषय: लोक निर्माण वित्तीय एवं लेखा नियम भाग-1 के कतिपय नियम निरसन किये जाने के संबंध में सुझाव आमंत्रण।

महोदय,

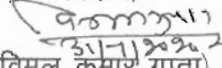
उपर्युक्त विषयान्तर्गत लेख है कि वर्तमान में राज्य में संकर्म (Works) उपापन हेतु राजस्थान लोक उपापन में पारदर्शिता अधिनियम, 2012 एवं राजस्थान लोक उपापन में पारदर्शिता नियम, 2013 के प्रावधान प्रभावी हैं। अतः लोक निर्माण वित्तीय एवं लेखा नियम (PWF&AR) के भाग-1 में अंकित संकर्म (Works) उपापन से संबंधित ऐसे प्रावधानों को जिनका राजस्थान लोक उपापन में पारदर्शिता अधिनियम, 2012 एवं राजस्थान लोक उपापन में पारदर्शिता नियम, 2013 में प्रावधान किया हुआ है का निरसन (Repeal) किया जाना समीचीन होगा।

लोक निर्माण वित्तीय एवं लेखा नियम भाग-1 के ऐसे नियम जिनका प्रावधान राजस्थान लोक उपापन में पारदर्शिता अधिनियम, 2012 एवं राजस्थान लोक उपापन में पारदर्शिता नियम, 2013 में किया जा चुका है, का एक तुलनात्मक चार्ट तैयार किया गया है जो सुलभ संदर्भ हेतु संलग्न है।

उक्त के अनुक्रम में आपके बहुमूल्य सुझाव/टिप्पणी अधोहस्ताक्षरकर्ता को ई-मेल "jsfgt@rajasthan.gov.in" पर 15 दिवस में प्रेषित करने का श्रम करावें। आपके सुझाव/टिप्पणी पर समुचित विचार कर प्रस्तावित निरसन को अंतिम रूप दिया जावेगा।

कृपया इसे प्राथमिकता प्रदान करावें

संलग्न : उपरोक्तानुसार।

भवदीय,

(विमल कुमार गुप्ता)
संयुक्त शासन सचिव

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :

1. निजी सचिव, मुख्य सचिव राजस्थान।
2. निजी सचिव समस्त अतिरिक्त मुख्य सचिव/प्रमुख शासन सचिव/शासन सचिव।
3. समस्त विभागाध्यक्ष।
4. समस्त कार्यकारी अधिकारी निगम, बोर्ड एवं राजकीय उपक्रम।


(गौरी सिंह)
मुख्य लेखाधिकारी

COMPARATIVE STATEMENT OF PWF&AR PART-I/RTPP ACT/RTPP RULES

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>After the existing item (d) of Rule 10, following new item (e) shall be added :</p> <p>(e) Government of Rajasthan has enacted Rajasthan Transparency in Public Procurement Act & Rules w.e.f. 26.01.2013. If there is any contradiction between PWF&AR & RTPP Act/Rules, later will prevail.</p>			<p>Government of Rajasthan has enacted Rajasthan Transparency in Public Procurement Act & Rules w.e.f. 26.01.2013. Hence, amendment is needed.</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 11 (64) Work – The term “Work” when by itself is used in a comprehensive sense and applies not only to works of construction or repair but also to other individual objects of expenditure connected with the supply, repair and carriage of Tools and Plant, the supply or manufacture of other stores or the operations of a workshop.</p>	<p>2. (xxii) “works” mean all works associated with the construction, reconstruction, site preparation, demolition, repair, maintenance, or renovation or railways, roads, highways or a building, an infrastructure, or structure or an installation or any construction work relating to excavation, drilling, installation of equipment and materials, as well as services incidental to the works if the value of those services does not exceed that of the works themselves.</p>		<p>To be deleted</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 138. Stock, road metal and other materials required in the ordinary course for the execution of sanctioned works may, subject to the provisions of the Rules for the supply of articles for the Government use, be procured on the responsibility of the Divisional Officer without special authority, though the Superintending Engineer's approval should be obtained to the measures proposed for the purchase of stock of Rs. 30,000/- or upwards. If the stores are to be manufactured, a separate estimate for their preparation may be required as laid down in Rule 140. When a Departmental Officer carries out a work for any of the Local Bodies the said Rules shall apply, except when the Local Body specially desires to have the stores purchased otherwise and the Government have accorded their approval there to. All purchases of stores should be made in accordance with the Stores Purchase Rules of GF & AR Part-II.</p> <p>The purchase of stores or materials far in advance or in excess of requirements is likely to result both in direct and indirect losses to the Government and therefore purchase should be made in most prudent manner and must be need based.</p>			<p>The last sentence of Rule 138 shall be substituted as under :</p> <p>"All purchases of stores should be made in accordance with the Rajasthan Transparency in Public Procurement Act, 2012 and the Rules made thereunder."</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 323. Other recognised system for carrying out work other than by the employment of daily labour are (i) Piece Work System and (ii) Work Order.</p> <p>(i) Piece Work System</p> <p>(a) Piece Work System means a system of Annual Running Rate Contract, in which only rate sanctioned by competent authority is enlisted in the Piece Work Agreement (Form RPWA 104) without reference to the total quantity of work to be done within a given period. Execution of work on Piece Work System should normally be avoided Piece Work System may be resorted to only in a uniform type of work in large quantities, like earth work of canals, desilting, repair and maintenance of roads etc.</p> <p>(b) Determination of Rate : Open tenders will be invited by Additional Chief Engineer for the work, on Divisional basis in his zone. The intention of the department in calling such tenders for determination of Annual Rate Contract for entering into Piece Work Agreement should be made clear at the time of invitation of tenders. Registered contractors of all categories will be entitled to participate in such tenders. After observing all required formalities of</p>		<p>27. Procurement of works by work order system and piece work system.- (1) Works valuing less than rupees one lakh on each occasion may be procured, subject to a limit of rupees five lakh during a financial year, by work order system.</p> <p>Explanation: Work order system means method of procurement by giving order directly to a registered bidder, to execute a work on scheduled rates in specified time.</p> <p>(2) The procedure for procurement through work order system shall be as under:-</p> <p>(a) in work order the quantity, rate and time of completion are invariably mentioned. Penalty for failure to complete the work within the stipulated time is also specified. Maximum work that can be allotted on a work order shall be less than rupees one lakh;</p> <p>(b) work order shall be given to a registered bidder only;</p> <p>(c) work order can be given only on the approved Schedule of Rates applicable to the Division / Sub-Division concerned. The Superintending Engineer / Executive Engineer shall ensure that the rates being allowed on work order are not in excess of open bid rates prevalent in the area;</p> <p>(d) work order can be given by officers as per delegation of financial powers; and</p> <p>(e) work order agreement shall be executed, after obtaining performance</p>	To be deleted

	<p>tenders, the Additional Chief Engineer shall be competent to sanction unit rates for the specified items of work, which will remain in force normally for one year, till replaced by fresh sanctioned rates in the like manner.</p> <p>(c) Operation of the System : Once such unit rates have been sanctioned, Divisional Officers shall be competent to enter into Piece Work Agreement upto Rs. 30,000/- at a time with a single contractor of any category. Second Piece Work Agreement will be entered into only after successful completion of the earlier work. Piece Work Agreement will be entered into with the enlisted contractors allowed to operate in the said Division.</p> <p>(d) In the Piece Work System, the Department is free to ask the contractors to cease work, and payments are made for the work actually executed as per designs, drawings, specifications, after due measurements and check measurement as prescribed. While awarding work on Piece Work Agreement, the quantities of work not exceeding Rs. 30,000/- shall be mentioned. The maximum period of completion of each piece work is 21 days which shall not be extended in any case.</p> <p>(e) In every Divisional office, a Register of Piece Work Agreements shall be maintained in Form RPWA 107. In the first week of every month, the</p>		<p>security, in the form specified for the purpose. A Register of Work Orders shall be maintained in the form specified for the purpose.</p> <p>(3) Works valuing below rupees one lakh on each occasion may be procured, subject to a limit of rupees five lakh during a financial year, by piece work system.</p> <p>Explanation: Piece work system means method of procurement at the rates sanctioned by the Competent Authority without reference to the total quantity of work to be done within a given period.</p> <p>(4) The procedure for procurement through Piece Work System shall be as under:-</p> <p>(a) Execution of work on Piece Work System should normally be avoided. Piece Work System may be resorted to only in a uniform type of work in large quantities, like earth work of canals, desilting, repair and maintenance of roads, etc.</p> <p>(b) For determination of rates, open bids shall be invited by Additional Chief Engineer concerned for each division under its control. The intention of the department in inviting such bids for determination of Annual Rate Contract for entering into Piece Work Agreement should be made clear at the time of invitation of bids. Registered bidders of all categories shall be entitled to participate in such bids. After observing all required formalities of bids, the Additional Chief Engineer shall sanction unit rates for the specified items of work, which shall remain in force normally for one year or until the rates are revised but shall in no case remain in force more than three months after completion of one year.</p>	
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	<p>Divisional Officer shall submit copies of all Piece Work Agreements accepted by him during the previous month to the Superintending Engineer, giving justification for the award of work on Piece Work Agreement explaining the necessity/ emergency instead of on regular contracts. The Superintending Engineer, during their inspection and otherwise, shall ensure that the Divisional Officer do not execute work on Piece Work Agreement in a routine manner and rates allowed are not in excess of the running rates approved by the Additional Chief Engineer for the relevant Division, and check with tendered rates of similar works on regular contract basis in the Sub-Division/Division/Circle and that the system of record measurements of work done and check measurements thereof is followed properly.</p> <p>(f) Performance Guarantee/Security Deposit : The contractors awarded work on "Piece Work System" are exempted from deposition of performance guarantee and security deposit.</p> <p>(ii) Work Order System</p> <p>(a) Work Order System is that in which quantity, rate and time of completion are invariably mentioned. Penalty for failure to complete the work within the stipulated time is also specified. Maximum work that can be allotted on a work order will not exceed Rs. 30,000/-.</p>		<p>(c) Once such unit rates have been sanctioned, Divisional Officers shall be competent to enter into Piece Work Agreement below rupees one lakh at a time with a single registered bidder of any category. Second Piece Work Agreement shall be entered into only after successful completion of the earlier work. Piece Work Agreement shall be entered into with the registered bidders allowed to operate in the said Division.</p> <p>(d) In the Piece Work System, the Department is free to ask the bidders to cease the work, and payments are made for the work actually executed as per designs, drawings, specifications, after due measurements and checking of measurement as specified. The maximum period of completion of each piece work is twenty one days which shall not be extended in any case.</p> <p>(e) In every Divisional office, a Register of Piece Work Agreements shall be maintained in the form specified for the purpose. In the first week of every month, the Divisional Officer shall submit copies of all Piece Work Agreements accepted by him during the previous month to the Superintending Engineer, giving justification for the award of work on Piece Work Agreement explaining the necessity / emergency instead of on regular contracts. The Superintending Engineer, during his inspection and otherwise, shall ensure that the Divisional Officers do not execute work on Piece Work Agreement in a routine manner and rates allowed are not in excess of the running rates approved by the Additional Chief Engineer for the relevant</p>	
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	<p>(b) Rate : Work Order can be given only on the approved Schedule of Rates applicable to the Division/Sub-Division, Superintending Engineer/ Executive Engineer should keep watch that the rates being allowed on Work Order are not in excess of tendered rates prevalent in the area.</p> <p>(c) Authority : Work can be given by officers as per delegation of powers.</p> <p>(d) Work Order Agreement is executed in Form RPWA 103. Rules in force on the subject are contained in Appendix VII. A Register of Work Orders shall be maintained in Form RPWA 106.</p> <p>(e) Performance Guarantee/Security Deposit : The contractors awarded work on Work Order basis are exempted from deposition of Performance Guarantee and Security Deposit.</p>		<p>Division, and check with open bid rates of similar works on regular contract basis in the Sub-Division / Division /Circle and that the system of record measurements of work done and check measurements thereof is followed properly.</p> <p>(f) The contract awarded on Piece Work System is exempted from depositing performance security.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 325. Rules for award of works without calling tenders in exceptional cases or when no tenders are received or award of works to unemployed qualified Engineers shall be laid down in Manual of Orders/Instructions of the Administrative Department with the approval of Finance Department. A monthly return of such cases shall be submitted in Form RPWA 30 to the Superintending Engineer/Additional Chief Engineer/Chief Engineer by 10th of the following month.</p>	<p>28. Methods of procurement.- (1) Subject to the provisions of this Act and the rules made thereunder, a procuring entity may procure a subject matter of procurement by means of any of the following methods, namely:-</p> <ul style="list-style-type: none"> (a) Open Competitive Bidding; or (b) Limited Bidding; or (c) Two stage Bidding; or (d) Single Source Procurement; or (e) Electronic Reverse Auction; or (f) Request for Quotations; or (g) Spot Purchase; or (h) Competitive negotiations; or (i) Rate Contract; or (j) any other method of procurement notified by the State Government satisfying the principles of procurement contained in this Act and which the State Government considers necessary in public interest. <p>(2) The State Government may, by notification, declare adoption of electronic procurement as compulsory for different stages and types of procurement, and on such declaration, every requirement for written communication under this Act shall be deemed to have been satisfied if it were done by electronic means.</p> <p>(3) In procuring a subject matter of procurement, every procuring entity shall follow the detailed procedure in respect of the relevant method of procurement as may be prescribed.</p>		<p>Struck out shall be deleted.</p> <p>दिनांक 8.3.2017 से पूर्व प्रभावी SoP का आइटम 22 निम्न प्रकार था :</p> <p>22. To award work without tenders to enlisted contractor(s) for original or repair works upto the sanctioned rates in case(s) where the original contractor fails to give stipulated progress and decision has been taken by competent authority under clause (2) & (3) of the conditions of the contract or under clause 32 of the conditions of contract.</p> <p>दिनांक 8.3.2017 को जारी SoP में उपर्युक्त वर्णित प्रावधान को शामिल नहीं किया गया है क्योंकि बेरोजगार अभियंताओं से उपापन का RTPP Act/Rules में कोई प्रावधान नहीं था।</p> <p>श्री धर्मेन्द्र भटनागर के शिकायती पत्र जो बार कोड 261600242 दिनांक 29.9.2016 द्वारा FS(B) को प्रस्तुत किया गया था, के पैरा 5/एन पर निम्न टिप्पणी थी :-</p> <p>“बिना निविदा बेरोजगार अभियंताओं को कार्य देना RTPP लागू होने के बाद उचित नहीं है। यह नियम अब supersede हो गया है। फिर भी, उचित होगा कि PWF&AR का यह नियम विलोपित किया जाए। SoP का आइटम 22 प्रस्तावित संशोधन में हटाया गया है।”</p> <p>जो उच्च स्तर से अनुमोदित है।</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 325A. For allotting, without inviting tenders, works of emergent nature arising out of floods and other natural calamities, a committee comprising of following officers shall be constituted.</p> <p>The committee shall decide the ceiling rates for each work on the basis of rates received during the last six months or the prevailing market rates(s) analysis.</p> <p>District Collector - Chairman</p> <p>Superintending Engineer of the concerned department. - Member</p> <p>Treasury Officer - Member</p> <p>Executive Engineer of the concerned department. - Member Secretary.</p>		<p>(3) Notwithstanding anything contained in sub-rule (2), in the emergent situation arising out of floods and other natural calamities, the subject matter of procurement may be procured up to the ceiling rates. The committee consisting of the following, shall decide the ceiling rates for subject matter of procurement on the basis of rates received during the last six months or the prevailing market rates analysis, namely:-</p> <p>(a) District Collector - Chairman</p> <p>(b) District level officer of the concerned department - Member</p> <p>(c) Treasury Officer - Member Secretary</p> <p>(d) Special invitee, if required - Member</p>	<p>Committee for allotting, without inviting tenders/ works in emergent nature.</p> <p>To be deleted</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 327.(a) Before a work is given out on contract, the Divisional Officer must prepare "Contract Documents" to include :-</p> <p>(i) A complete set of drawings showing the general dimensions of the proposed work and, so far as necessary details of the various parts.</p> <p>(ii) A complete specification of the work to be done and of the materials to be used, unless reference can be made to some standard specification.</p> <p>(iii) A Schedule of the Quantities of the various descriptions of work.</p> <p>(iv) A set of Conditions of Contract to be complied with by the person whose tender may be accepted.</p> <p><i>Note-1 No tender notices are to be issued unless all tender documents are ready.</i></p> <p><i>Note-2 Time for completion of the work shall be specified by the tender sanctioning authority (as per amount mentioned in the estimate) before floating tenders.</i></p> <p><i>Note-3 Tender documents, in all cases, will necessarily be sold at the tender receiving office and the</i></p>	<p>20. Contents of bidding documents.- (1) Subject to the rules as may be made in this behalf, the invitation to bid shall contain-</p> <p>(a) a brief description of subject matter of procurement;</p> <p>(b) in case of procurement of -</p> <p>(i) goods, its specifications including the nature, quantity and place of delivery;</p> <p>(ii) works, the nature and location of the works;</p> <p>(iii) services, the nature of the services and the location where they are to be provided;</p> <p>(c) any notice of limitation to participation of bidders in terms of section 6;</p> <p>(d) the manner, date and time for presentation of bids;</p> <p>(e) any other information which is considered by the procuring entity relevant for the purpose.</p> <p>(2) The detailed bidding document shall contain the particulars included in the invitation to bid, the criteria for evaluation of bids, the terms of the procurement contract, and such further information as may be prescribed, which may be necessary for the bidders to submit their bids.</p>	<p>3. Procurement committees.- (1) Every procuring entity shall constitute one or more committees for the following purposes, namely: -</p> <p>(a) Preparation of bidding documents;</p> <p>(b) Opening of bids;</p> <p>(c) Evaluation bids;</p> <p>(d) Monitoring of contract;</p> <p>(e) Spot Purchase;</p> <p>(f) Competitive negotiation; and</p> <p>(g) Any other purpose relating to procurement, as may be decided by the procuring entity.</p> <p>(2) Each committee shall consist of three or more members including senior most accounts officer or official of the procuring entity, and if required, a technical official may be nominated by the procuring entity. A consultant, as subject matter specialist, may also be nominated in the committee by the procuring entity, after recording reasons, with the prior approval of the competent authority.</p> <p>(3) In complex projects, the work of preparation of project report or bidding documents may be assigned to consultants with the prior approval of the competent authority.</p> <p>36. Preparation of bidding documents.- (1) Before issuing a notice inviting bids the procuring entity shall ensure that the bidding documents are ready for sale.</p> <p>(2) The bidding documents shall have the following sections, namely:-</p> <p>(a) Notice Inviting Bids (NIB);</p> <p>(b) Instruction to Bidders (ITB);</p> <p>(c) Bid Data Sheet (BDS);</p> <p>(d) Qualification and Evaluation criteria;</p> <p>(e) Bidding Forms; and</p>	<p>To be deleted</p>

	<p><i>next higher authority (except in the case of Chief Engineer Office). This fact would be notified to all prospective tenderers through NIT.</i></p> <p><i>Note-4 Forms of tender documents shall be supplied to all prospective tenderers at the time of supply of tender forms, so that all the tenderers are in the knowledge of the total quantum of the work to be done including general and special conditions attached to the work.</i></p> <p><i>Note-5 The following facts are to be mentioned necessarily in NIT before issue:</i></p> <p><i>(a) If date of opening/selling is holiday, then tenders shall be sold/received/opened on next working day.</i></p> <p><i>(b) Reference of land acquisition, approval drawings and layout plan etc.</i></p> <p><i>Note-6. If the date of opening/selling of tenders is extended, the approval of next higher authority upto Chief Engineer will be necessary. Such</i></p>	<p>(3) The State Government may prescribe standard conditions to be included in bidding documents including its form.</p>	<p>(f) Conditions of Contract and Contract Forms: (i) General Conditions of Contract; (ii) Special Conditions of Contract; and (iii) Contract Forms.</p> <p>(g) Any other documents, as may be necessary.</p> <p>(3) The bidding documents shall include the following, namely:-</p> <p>(a) instructions for preparing bids;</p> <p>(b) the criteria and procedures that shall be applied in the ascertainment of the qualifications of bidders;</p> <p>(c) the requirements as to documentary evidence or other information that must be submitted by bidder in proof of its qualifications;</p> <p>(d) a detailed description of the subject matter of the procurement, including but not limited to, technical specifications, plans, drawings and designs if relevant, the quantity of the goods, any incidental services to be performed, the location where the goods are to be delivered, the work is to be executed or the services are to be provided and the required time, if any;</p> <p>(e) the detailed procedure for presentation, opening, examination and evaluation of bids, minimum requirement, if any, with respect to technical, quality and performance characteristics that bids must meet in order to be considered responsive, and the criteria to be used by the procuring entity in evaluation of bids and determining the successful bid, including any provision for preference and any criteria other than price to be used and the relative weight of such criteria;</p> <p>(f) the terms and conditions of the procurement contract or the rate contract, to the extent they are already known to the procuring entity, and the contract or agreement form, if any, to be signed by the parties;</p>	
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	<p><i>extension will be notified to all prospective tenderers by issue of corrigendum.</i></p> <p><i>Note-7. If the sanctioning authority fails to approve the tender within the period allowed to him for sanction commencing from the date of opening of tender, the tender will be sent to next higher authority for sanction.</i></p>		<p>(g) if alternatives to the characteristics of the goods, works or services, contractual terms and conditions or other requirements set forth in the bidding documents are permitted, a statement to that effect, and a description of the manner in which alternative bids are to be evaluated and compared;</p> <p>(h) if bidders are permitted to submit bids for only a portion of the goods, works or services to be procured, a description of the portion or portions for which bids may be submitted;</p> <p>(i) the 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, works or services themselves, such as any applicable transportation and insurance charges, customs duties and taxes etc.;</p> <p>(j) any requirements of the procuring entity with respect to the issuer and the nature, form, amount and other terms and conditions of any bid security to be provided by bidder submitting bid, and any such requirements for any security for the performance of the procurement contract or the rate contract to be provided by the bidder that enters into the procurement contract, including securities such as labour and materials bonds;</p> <p>(k) the manner, place and deadline for the submission of bids;</p> <p>(l) the means by which, bidders may seek clarifications of the bidding documents and a statement as to whether the procuring entity intends to convene a meeting of bidders;</p> <p>(m) the period of time during which bids shall remain valid;</p> <p>(n) the place, time and date for the opening of bids;</p>	
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			<p>(o) references to the Act, these rules and other laws and regulations directly pertinent to the procurement proceedings, provided, however, that the omission of any such reference shall not constitute grounds for appeal or liability on the part of the procuring entity;</p> <p>(p) the name, designation, address and e-mail address, if any, of one or more officers or employees of the procuring entity, who are authorised to communicate directly with and to receive communications directly from bidders in connection with the procurement proceedings, without the intervention of an intermediary;</p> <p>(q) any commitments to be made by the bidder outside of the procurement contract, such as commitments relating to the transfer of technology;</p> <p>(r) reference to the right provided to seek appeal of an unlawful act or decision of, or procedure followed by the procuring entity in relation to the procurement proceedings;</p> <p>(s) if the procuring entity reserves the right to cancel bid proceedings and reject all bids, a statement to that effect;</p> <p>(t) any formalities that shall be required once a bid has been accepted for a procurement contract or rate contract to enter into force, including, where applicable, the execution of a written procurement contract and approval by a higher authority or the State Government; and</p> <p>(u) any other requirements laid down by the procuring entity like detail project report, concession agreement, design, plans, etc. in conformity with the Act and these rules relating to the preparation and submission of bids and to other aspects of the procurement proceedings.</p> <p>(4) The procuring entity shall provide the bidding</p>	
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			documents to each bidder that responds to the invitation to bids in accordance with the procedures and requirements specified therein. If prequalification, empanelment or registration proceedings have been engaged in, the procuring entity shall provide a set of bidding documents to each bidder that has been pre-qualified and that pays the price, if any, charged for that document.	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>328.(a) If the amount of the tender is likely to be beyond the Divisional Officer's powers of acceptance, or to be of an unusual character, he should, before publicly inviting tenders, submit the contract documents to the Superintending Engineer for his approval or remarks, together with a copy of the proposed advertisement for tenders, and the form in which tenders are to be submitted. If the amount of tender is likely to exceed the Superintending Engineer's powers of acceptance, or to be of a very special nature, that officer should, in like manner, submit the contract documents to the Additional Chief Engineer/Chief Engineer for approval.</p> <p>(b) Normally tenders should be received at the divisional level. Tenders, for which sanctioning authority is Additional Chief Engineer/Chief Engineer, would be received in Circle Office. Similarly, tenders for which sanctioning authority is State Government, would be received in Additional Chief Engineer/Chief Engineer Office.</p>	<p>24. The procedure relating to submission, opening and evaluation of bids.- Subject to the terms and conditions as may be laid down in the bidding documents, submission of bids, opening and evaluation of bids, including constitution of committees for those purposes shall be in accordance with the rules as may be prescribed.</p>	<p>49. Format and signing of bids.-</p> <p>(1) The bidder shall prepare one original set of the bidding documents called Bid and clearly mark it as "ORIGINAL" and if asked, the bidder shall submit additional copies of the bid in such number as specified in the bidding documents and clearly mark them as "COPY". In the event of any discrepancy between the original bid and its copies, the contents of the original bid shall prevail.</p> <p>(2) The original and all copies of the bid shall be typed or written in ink and its all the pages shall be signed by the bidder or a person duly authorised to sign on behalf of the bidder, in token of acceptance of all the terms and conditions of the bidding documents. This authorisation shall consist of a written confirmation as specified in the bidding documents and shall be attached to the bid.</p> <p>(3) Any corrections in the bid such as interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the bid.</p> <p>(4) Similar procedure for signing of bids shall be adopted for Technical and Financial bids, if two part bids have been invited.</p> <p>50. Sealing and marking of bids.-</p> <p>(1) Bidders may submit their bids by post or by hand but if so specified in the bidding documents, bidders shall submit their bids only electronically. Bidders submitting bids electronically shall follow the electronic bid</p>	<p>To be deleted</p>

			<p>submission procedure as specified on the State Public Procurement Portal.</p> <p>(2) Bids submitted by post or by hand shall enclose the original and each copy of the bid in separate sealed envelopes, duly marked envelopes as “ORIGINAL”, and “COPY”. The envelopes containing the original and the copies shall then be enclosed in one single envelope.</p> <p>(3) The inner and outer envelopes shall-</p> <p>(a) bear the name and complete address along with telephone/mobile number of bidder;</p> <p>(b) bear complete address of the procuring entity with telephone number, if any;</p> <p>(c) bear the specific identification of the bidding process pursuant to Notice Inviting Bids and any additional identification marks as specified in the bidding documents; and</p> <p>(d) bear a warning not to be opened before the time and date for bid opening, in accordance with the Notice Inviting Bids.</p> <p>(4) If all envelopes are not sealed and marked as required, the procuring entity shall assume no responsibility about its consequences.</p> <p>(5) Similar procedure for sealing and marking of bids shall be adopted for Technical and Financial bids, if two part bids have been invited.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>329. In works of great magnitude, the contract deeds should be specially prepared by the Department concerned with the consultation/approval of Law and Finance Departments but for ordinary contracts, including all such as are based on tenders which a Superintending Engineer is competent to accept, such ordinary forms as may have been approved by the Government will generally suffice.</p> <p><i>Note : In the case of contract documents to be prepared for execution of works to be financed by International Agencies or Foreign Governments in accordance with the requirements of those bodies, all special conditions which are inconsistent with the standard conditions of contract of the Government of Rajasthan shall require specific approval of the Government in the Finance Department, which should be obtained well in time.</i></p>		<p>3. Procurement committees.- (1) Every procuring entity shall constitute one or more committees for the following purposes, namely: -</p> <ul style="list-style-type: none"> (a) Preparation of bidding documents; (b) Opening of bids; (c) Evaluation bids; (d) Monitoring of contract; (e) Spot Purchase; (f) Competitive negotiation; and (g) Any other purpose relating to procurement, as may be decided by the procuring entity. <p>(2) Each committee shall consist of three or more members including senior most accounts officer or official of the procuring entity, and if required, a technical official may be nominated by the procuring entity. A consultant, as subject matter specialist, may also be nominated in the committee by the procuring entity, after recording reasons, with the prior approval of the competent authority.</p> <p>(3) In complex projects, the work of preparation of project report or bidding documents may be assigned to consultants with the prior approval of the competent authority.</p> <p>36. Preparation of bidding documents.- (1) Before issuing a notice inviting bids the procuring entity shall ensure that the bidding documents are ready for sale.</p> <p>(2) The bidding documents shall</p>	To be deleted

			<p>have the following sections, namely:-</p> <ul style="list-style-type: none"> (a) Notice Inviting Bids (NIB); (b) Instruction to Bidders (ITB); (c) Bid Data Sheet (BDS); (d) Qualification and Evaluation criteria; (e) Bidding Forms; and (f) Conditions of Contract and Contract Forms: <ul style="list-style-type: none"> (i) General Conditions of Contract; (ii) Special Conditions of Contract; <p>and</p> <ul style="list-style-type: none"> (iii) Contract Forms. <p>(g) Any other documents, as may be necessary.</p> <p>(3) The bidding documents shall include the following, namely:-</p> <ul style="list-style-type: none"> (a) instructions for preparing bids; (b) the criteria and procedures that shall be applied in the ascertainment of the qualifications of bidders; (c) the requirements as to documentary evidence or other information that must be submitted by bidder in proof of its qualifications; (d) a detailed description of the subject matter of the procurement, including but not limited to, technical specifications, plans, drawings and designs if relevant, the quantity of the goods, any incidental services to be performed, the location where the goods are to be delivered, the work is to be 	
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			<p>executed or the services are to be provided and the required time, if any;</p> <p>(e) the detailed procedure for presentation, opening, examination and evaluation of bids, minimum requirement, if any, with respect to technical, quality and performance characteristics that bids must meet in order to be considered responsive, and the criteria to be used by the procuring entity in evaluation of bids and determining the successful bid, including any provision for preference and any criteria other than price to be used and the relative weight of such criteria;</p> <p>(f) the terms and conditions of the procurement contract or the rate contract, to the extent they are already known to the procuring entity, and the contract or agreement form, if any, to be signed by the parties;</p> <p>(g) if alternatives to the characteristics of the goods, works or services, contractual terms and conditions or other requirements set forth in the bidding documents are permitted, a statement to that effect, and a description of the manner in which alternative bids are to be evaluated and compared;</p> <p>(h) if bidders are permitted to submit bids for only a portion of the goods, works or services to be procured, a description of the portion or portions for which bids may be submitted;</p> <p>(i) the manner in which the bid price is to be formulated and expressed, including a statement as to whether the price is to cover</p>	
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			<p>elements other than the cost of the goods, works or services themselves, such as any applicable transportation and insurance charges, customs duties and taxes etc.;</p> <p>(j) any requirements of the procuring entity with respect to the issuer and the nature, form, amount and other terms and conditions of any bid security to be provided by bidder submitting bid, and any such requirements for any security for the performance of the procurement contract or the rate contract to be provided by the bidder that enters into the procurement contract, including securities such as labour and materials bonds;</p> <p>(k) the manner, place and deadline for the submission of bids;</p> <p>(l) the means by which, bidders may seek clarifications of the bidding documents and a statement as to whether the procuring entity intends to convene a meeting of bidders;</p> <p>(m) the period of time during which bids shall remain valid;</p> <p>(n) the place, time and date for the opening of bids;</p> <p>(o) references to the Act, these rules and other laws and regulations directly pertinent to the procurement proceedings, provided, however, that the omission of any such reference shall not constitute grounds for appeal or liability on the part of the procuring entity;</p> <p>(p) the name, designation, address and e-mail address, if any, of one or more</p>	
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			<p>officers or employees of the procuring entity, who are authorised to communicate directly with and to receive communications directly from bidders in connection with the procurement proceedings, without the intervention of an intermediary;</p> <p>(q) any commitments to be made by the bidder outside of the procurement contract, such as commitments relating to the transfer of technology;</p> <p>(r) reference to the right provided to seek appeal of an unlawful act or decision of, or procedure followed by the procuring entity in relation to the procurement proceedings;</p> <p>(s) if the procuring entity reserves the right to cancel bid proceedings and reject all bids, a statement to that effect;</p> <p>(t) any formalities that shall be required once a bid has been accepted for a procurement contract or rate contract to enter into force, including, where applicable, the execution of a written procurement contract and approval by a higher authority or the State Government; and</p> <p>(u) any other requirements laid down by the procuring entity like detail project report, concession agreement, design, plans, etc. in conformity with the Act and these rules relating to the preparation and submission of bids and to other aspects of the procurement proceedings.</p> <p>(4) The procuring entity shall provide the bidding documents to each bidder that responds to the invitation to bids in accordance with the procedures and</p>	
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			requirements specified therein. If prequalification, empanelment or registration proceedings have been engaged in, the procuring entity shall provide a set of bidding documents to each bidder that has been pre-qualified and that pays the price, if any, charged for that document.	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks									
	<p>Rule 331.(a) Tenders for works, costing more than Rs. 30,000/- or the amount specially prescribed by the Finance Department, which should always be sealed, should invariably be invited in the most open and public manner possible whether by advertisement in the News Papers etc., in the manner provided in the decision below this rule and by notice boards of Divisions, Sub-Divisions, Circles and Zones and letters to Contractors Association at all levels and tenderers should have free access to the contract documents. The notice should in all cases state:-</p> <p>(i) The place(s) where and the time when the contract documents can be seen, and the blank forms of tenders obtained, also the amount, if any, to be paid for such form of tender.</p> <p>(ii) The place where, the date on which and the time when tenders are to be submitted and are to be opened (in the case of large contracts this should be at least one month after the date of first advertisement or notice).</p> <p>(iii) The amount of earnest money to be deposited, the amount and nature of the security deposit required in the case of the accepted tender.</p> <p>(iv) With whom or what authority the acceptance of the tender will rest.</p> <p>(v) Abridged notice inviting tenders containing essential information may be given in the press, but detailed notice inviting tenders, prescribed in Appendix XI, shall be obtained by the prospective tenderers alongwith other tender documents which will eventually form part of the contract of the successful tenderer.</p> <p>(vi) Tenders shall normally be invited by the authority next below the sanctioning authority. In specific cases, tenders be invited by Chief Engineer/Addl. Chief Engineer. If there are non-standard conditions, it shall first be got approved from the competent authority.</p> <p>(b) The procedure for inviting open tenders shall be as under:</p> <table border="1" data-bbox="346 1187 1024 1367"> <tbody> <tr> <td data-bbox="346 1187 409 1219">(1)</td> <td data-bbox="409 1187 751 1219">Normal procedure</td> <td data-bbox="751 1187 1024 1219">Upto Rs. 1 crore</td> </tr> <tr> <td data-bbox="346 1219 409 1308">(2)</td> <td data-bbox="409 1219 751 1308">Potential assessment method: (a) For roads (b) For other construction works</td> <td data-bbox="751 1219 1024 1308">From Rs. 1 crore to 5 crore From Rs. 1 crore to 2 crore</td> </tr> <tr> <td data-bbox="346 1308 409 1367">(3)</td> <td data-bbox="409 1308 751 1367">Post-qualification method: (a) For roads</td> <td data-bbox="751 1308 1024 1367">From Rs. 5 crore to 20</td> </tr> </tbody> </table>	(1)	Normal procedure	Upto Rs. 1 crore	(2)	Potential assessment method: (a) For roads (b) For other construction works	From Rs. 1 crore to 5 crore From Rs. 1 crore to 2 crore	(3)	Post-qualification method: (a) For roads	From Rs. 5 crore to 20	<p>7. Qualifications of bidders.- (1) A procuring entity may determine and apply one or more of the requirements specified in sub-section (2) for a bidder to be qualified for participating in a procurement process.</p> <p>(2) Any bidder participating in the procurement process shall -</p> <p>(a) possess the necessary professional, technical, financial and managerial resources and competence required by the bidding documents, pre-qualification documents or bidder registration documents, as the case may be, issued by the procuring entity;</p> <p>(b) have fulfilled his obligation to pay such of the taxes payable to the Central Government or the State Government or any local authority as may be specified in the bidding documents, pre qualification documents or bidder registration</p>	<p>38. Qualification of bidders.- In addition to the provisions regarding qualification of bidders as set out in section 7,-</p> <p>(a) the procuring entity shall disqualify a bidder if it finds at any time that,-</p> <p>(i) the information submitted, concerning the qualifications of the bidder, was false or constituted a misrepresentation; or</p> <p>(ii) the information submitted, concerning the qualifications of the bidder, was materially inaccurate or incomplete; and</p> <p>(b) the procuring entity may require a bidder, who was pre-qualified, to demonstrate its qualifications again in accordance with the same criteria used to prequalify such bidder. The procuring entity shall disqualify any bidder that fails to demonstrate its qualifications again, if requested to do so. The procuring entity shall promptly notify each bidder requested to demonstrate its qualifications again as to whether or not the bidder has done so to the satisfaction of the procuring entity.</p> <p>39. Eligibility of bidders.- (1) A bidder may be a natural person, private entity, government-owned entity or, where permitted in the bidding documents, any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of a Joint Venture. In the case of a Joint Venture: -</p> <p>(a) all parties to the Joint Venture shall sign the bid and they shall be jointly and severally liable; and</p> <p>(b) a Joint Venture shall nominate a representative who shall have the authority to conduct all business for and on behalf of any or all the parties of the Joint Venture during the bidding process. In the event the bid of Joint Venture is accepted, either they shall form a registered Joint Venture company/firm or otherwise all the parties to Joint Venture shall sign the Agreement.</p>	<p>To be deleted</p>
(1)	Normal procedure	Upto Rs. 1 crore											
(2)	Potential assessment method: (a) For roads (b) For other construction works	From Rs. 1 crore to 5 crore From Rs. 1 crore to 2 crore											
(3)	Post-qualification method: (a) For roads	From Rs. 5 crore to 20											

	(b) For other construction works	crore From Rs. 2 crore to 10 crore	documents; (c) not be insolvent, in receivership, bankrupt or being wound up, not have its affairs administered by a court or a judicial officer, not have its business activities suspended and must not be the subject of legal proceedings for any of the foregoing reasons; (d) not have, and their directors and officers not have, been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a procurement contract within a period of three years preceding the commencement of the procurement process, or not have been otherwise disqualified pursuant to debarment proceedings; (e) not have a conflict of interest as may be prescribed and specified in the pre-qualification documents, bidder registration	(2) A bidder should not have a conflict of interest in the procurement in question as stated in rule 81 and the bidding documents. The procuring entity shall take appropriate actions against the bidder in accordance with section 11 and Chapter IV of the Act, if it determines that a conflict of interest has flawed the integrity of any procurement process. All bidders found to have a conflict of interest shall be disqualified. (3) A bidder debarred under section 46 shall not be eligible to participate in any procurement process undertaken by,- (a) any procuring entity, if debarred by the State Government; and (b) a procuring entity if debarred by such procuring entity. (4) In case of procurement of goods, bidder must be a manufacturer, distributor or bona-fide dealer in the goods and it shall furnish necessary proof for the same in the specified format. Where applicable, proof of authorisation by the manufacturer or country distributor in India, shall be enclosed. Rule 41. Prequalification proceedings.- In addition to the provisions of section 18 the procedure of prequalification process shall be carried out in the manner as specified below- (a) Registration or empanelment of prospective bidders may be done as per the procedure specified for prequalification proceedings. (b) The procuring entity shall take a decision to pre-qualify a bidder only in accordance with the criteria and procedures as set out in the invitation to pre-qualify and in the pre-qualification documents. (c) The procuring entity shall promptly notify each bidder presenting an application to pre-qualify whether or not it has been pre-qualified and also publish the result of prequalification proceedings on the State Public Procurement Portal.
(4)	Pre-qualification method: (a) For roads (b) For other construction works	From Rs. 20 crore and above From Rs. 10 crore and above		

(A) Potential Assessment:

Every administrative department shall prescribe a uniform evaluation criteria applicable throughout their department for selection of contractors on the basis of potential assessment method. The evaluation criteria shall be enclosed with tender documents and no relaxation/deviation shall be made in evaluation criteria after opening of assessment bid.

Under potential assessment method for selection of the contractor, the system of 2 envelopes shall be followed. Envelope-1 shall contain information in respect of potential assessment based on predetermined evaluation criteria and earnest money etc. Envelope-2 shall contain unconditional financial bid only. Both the sealed envelopes shall be received simultaneously. The potential assessment bid shall be opened by a committee constituted by competent authority in which AAO/AO/Sr AO/CAO/FA of the office will also be member. The potential assessment bid will be evaluated by the above committee. After evaluation of the potential assessment bid as per predetermined evaluation criteria, a comparative statement of all tenderers will be prepared. The authority competent to sanction the tender on the basis of estimated cost put to NIT or the committee (with one Accounts Member, not below the rank of Sr.A.O.) authorised by the Administrative Deptt. will approve the responsive qualified tenderer(s). Financial bids shall be opened by the committee of only those tenders who have qualified and have been declared as being responsive by the competent authority/authorised committee. The tender, will be sanctioned as per delegation of powers.

However, it shall be ensure by the department that the criteria are such that it does not restrict the fair competition and lowest tenderer is not bye-passed on frivolous reasons.

Financial bid should be opened within 7 days from the date of opening of qualifying bid. Date of opening of both the potential assessment bid and financial bid should be mentioned in NIT and also be informed to all responsive tenderers.

Authority should always be reserved to reject any or all of the tenders so

<p>received without assigning any reason and this should be expressly stated in the advertisement.</p> <p>(B) Post Qualification:</p> <p>Every administrative department shall prescribe a uniform evaluation criteria applicable throughout their department for selection of contractors on the basis of post qualification. The evaluation criteria shall be enclosed with tender documents and no relaxation/deviation shall be made in evaluation criteria after opening of qualification bid.</p> <p>Under post qualification method for selection of the contractor, the system of 2 envelopes shall be followed. Envelope-1 shall contain qualification bid in respect of information based on predetermined evaluation criteria and earnest money etc. Envelope-2 shall contain unconditional financial bid only. Both the sealed envelopes shall be received simultaneously. The qualification bid shall be opened by a committee constituted by competent authority in which AAO/AO/Sr.AO/CAO/FA of the office will also be member. The qualification bid will be evaluated by the above committee. After evaluation of the qualifying bids as per predetermined evaluation criteria, a comparative statement of all tenderers will be prepared. the authority competent to sanction the tender on the basis of estimated cost put to NIT or the committee (with one Accounts Member, not below the rank of Sr.A.O.) authorised by the Administrative Deptt. will approve the responsive qualified tenderer(s). Financial bids shall be opened by the committee of only those tenderers who have qualified and have been declared as being responsive by the competent authority/authorised committee. The tender, will be sanctioned as per delegation of powers.</p> <p>Financial bid should be opened within 10 days from the date of opening of qualifying bid. Date of opening of both the pre-qualification bid and financial bid should be mentioned in NIT and also be informed to all responsive tenderers.</p> <p>Authority should always be reserved to reject any or all of the tenders so received without assigning any reason and this should be expressly stated in the advertisement.</p> <p>(C) Pre Qualification:</p> <p>Under pre qualification method, every administrative department shall prescribe a uniform evaluation criteria for pre qualification applicable throughout the department. Under this procedure. Initially the request for "Expression of Interest" (EOI) shall be published in news papers and a copy of the same may also be sent to such reputed/enlisted contractors having experience of the work concerned. The request shall also be for preparation, finalising and standardize techno-commercial details. In response to request for E.O.I. a pre bid meeting may be held with contractors having experience of such works. The department may if deemed proper discuss evaluation critaria durinf pre-bid meeting. After such meeting with</p>	<p>documents or bidding documents, which materially affects fair competition;</p> <p>(f) fulfil any other qualifications as may be prescribed.</p> <p>(3) Subject to the right of bidders to protect their intellectual property or trade secrets the procuring entity may require a bidder to provide any such information or declaration as it considers necessary to make an evaluation in accordance with sub-section (1).</p> <p>(4) Any requirement established pursuant to this section shall be set out in the pre-qualification documents or bidder registration documents, if any, and in the bidding documents and shall apply equally to all bidders.</p> <p>(5) The procuring entity shall evaluate the qualifications of bidders only in accordance with the requirement specified in this section.</p>	<p>(d) The procuring entity shall promptly communicate, with reasons, to each bidder that it has not been pre-qualified.</p> <p>43. Notice Inviting Bids.- (1) A procuring entity shall solicit bids in open competitive bidding and two stage bidding, or, where applicable, applications for pre-qualification by causing an invitation to bid or pre-qualify, as the case may be, to be published on the State Public Procurement Portal and on its own official website, if available. An abridged notice shall also be published in newspapers of adequate circulation, as prescribed in sub-rule (6) and (7) of this rule.</p> <p>(2) An invitation to bid to be published on the State Public Procurement Portal shall contain, at least, the following information, namely:-</p> <p>(a) the name and address of the procuring entity including email address, if any;</p> <p>(b) a summary of the principal required terms and conditions of the procurement contract or rate contract to be entered into as a result of the procurement proceedings, including the nature, quantity, time and place of delivery of the goods to be supplied, the works to be executed, or the services to be provided;</p> <p>(c) whether the bid procedure shall be conducted in a single stage or two stages and whether it is to be presented simultaneously in two envelopes (one envelope containing the technical, quality and performance characteristics of the bid and the other envelope containing the financial aspects of the bid);</p> <p>(d) the criteria and procedures to be used for evaluating the qualifications of bidders;</p> <p>(e) the procedure of obtaining the solicitation documents and the place from which they may be obtained;</p> <p>(f) the price, if any, charged by the procuring entity and the mode of payment for the solicitation documents and the amount of bid security and its form;</p>	
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<p>participants, the department will finalise and standardize the techno commercial details and evaluation criteria.</p> <p>However, if techno-commercial details and evaluation criteria are already pre determined and standard, the department may opt to invite tenders on such standard techno commercial details and evaluation criteria.</p> <p>On the basis of such techno commercial details and evaluation criteria, open tenders as per rules shall be invited in 2-envelope system. The envelope 1 shall contain pre qualification bid submitted by the tenderer on the basis of pre determined pre qualification evaluation criteria. Envelope 2 shall contain unconditional financial bid. Both the pre qualification bid and the financial bid shall be sealed separately and put together in a third envelope. The qualification bid shall be opened by a committee constituted by the competent authority in which AAO/AO/Sr.AO/CAO/FA of the office will also be member. The qualification bid will be evaluated by the above committee. After evaluation of the qualifying bids as predetermined evaluation criteria, a comparative statement of all tenderers will be prepared. The authority competent to sanction the tender on the basis of estimated cost put to NIT or the committee (with one Accounts Member, not below the rank of Sr.A.O.) authorised by the Administrative Deptt. will approve the responsive qualified tenderer(s). Financial bids shall be opened by the committee of only those tenderers who have qualified and have been declared as being responsive by the competent authority authorised committee. The tender will be sanction as per delegation of powers.</p> <p>Financial bid should be opened within 15 days from the date of opening of qualifying bid. Date of opening of both the pre-qualification bid and financial bid should be mentioned in NIT and also be informed to all responsive tenderers.</p> <p>Authority should always be reserved to reject any or all of the tenders so received without assigning any reason and this should be expressly stated in the advertisement.]</p> <p>Note-1: Form of Notice Inviting Tenders, the genral rules and directions for the guidance of contractors while submitting their tenders and standard conditions of contractors in Appendix XI. Any deviation from those conditions will require prior approval of the Finance Department.</p> <p>Note-2: Administrative Department may constitute committees for opening of tenders at various level.</p> <p>Note-3: For execution of work estimated to cost below Rs. 30,000/- see Appendix-VII.</p> <p style="text-align: center;">DECISION</p> <p>The mode of publication & time limit to be given in the notices while inviting tenders for the works classified under Rule 284 of PWF&AR for the Public Works Departments contracts will be as under :-</p>	<p>18. Pre-qualification of bidders.- (1) A procuring entity may engage in a pre-qualification process, with a view to identifying, prior to inviting bids, the bidders that are qualified for any specified period of time.</p> <p>(2) For the purpose of sub section (1), a procuring entity may invite offers from prospective bidders by giving wide publicity to the invitation to pre-qualify and shall publish the particulars of the bidders that are qualified on the State Public Procurement Portal.</p> <p>(3) Where a procuring entity has undertaken a prequalification process in respect of any procurement, only such prequalified bidders shall be entitled to continue in the procurement proceedings.</p> <p>(4) The procuring entity shall decide who is pre-qualified in accordance with section 7 and the criteria set out in the prequalification</p>	<p>(g) the manner, place and deadline for the submission of bids;</p> <p>(h) right of the procuring entity to cancel the bid process and reject any or all of the bids;</p> <p>(i) the time, date and place of opening of bids;</p> <p>(j) whether any of the items of procurement are reserved for a specific category of bidders; and</p> <p>(k) any other important information.</p> <p>(3) An invitation to prequalify to be published on the State Public Procurement Portal shall contain, at least, the following information, namely:-</p> <p>(a) the name and address of the procuring entity including email address, if any;</p> <p>(b) a summary of the required principal terms and conditions, to the extent known at the time of invitation to prequalify, of the procurement contract or rate contract to be entered into as a result of the procurement proceedings, including the nature, quantity and place of delivery of the goods to be supplied, the nature and location of the works to be effected, or the nature of the services and the location where they are to be provided, as well as, the required time for the supply of the goods or for the completion of the works, or the timetable for the provision of the services, if already known;</p> <p>(c) the criteria and procedures to be followed for evaluating the qualifications of bidders;</p> <p>(d) the procedure of obtaining the pre-qualification documents and the place from which they may be obtained;</p> <p>(e) the price, if any, charged by the procuring entity and the mode of payment for the pre-qualification documents and subsequent to pre-qualification, for the bidding documents;</p> <p>(f) the manner, place and deadline for presenting applications to pre-qualify; and</p> <p>(g) the time, date and place of opening of proposals for prequalification.</p>	
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S.No.	Amount of Work	Time limit	Mode of Publication
1.	Upto Rs. 30,000/-	7 days	(i) Contractors Association at Divisional level. (ii) Notice Board of the Division and all the Sub-Divisions.
2.	Rs. 30,000/- to Rs. 1 lac	7 days	(i) Contractors Association at Circle level and all the Divisions in the Circle. (ii) Notice Board of the Circle, Division and all the Divisions in the Circle and all Sub-Divisions of the Division. (iii) One Regional Newspaper.
3.	Rs. 1,00,001/- to Rs. 5 lac	10 days	(i) Contractors Association of Division, circle and all the Divisions in Circle. (ii) Notice Board of the Circle Office, all Divisions of the Circle and All Sub-Divisions of the Division. (iii) Publication in one leading Regional daily Newspaper and one state level leading daily news paper.
4.	Rs. 5,00,001/- to Rs. 10 lac	10 days	(i) Contractors Association at Zonal level, Circles and all Divisions in the zone. (ii) Notice Board of Zone, Circle Offices, Division and Sub-Divisional offices of the Division. (iii) Publication in one leading Regional daily Newspaper, one state level leading daily news paper and one all India level daily news paper. (iv) Any trade Journal specializing for publication of NIT's.
5.	Rs. 10,00,001/- to Rs. 100 lac	15 days	(i) Contractors Association at Departmental level, all Zones, Circles and all Divisions in zone. (ii) Notice Board of Head Quarters Office of Zone, Circles, Divisions and

documents.

(5) Every pre-qualification process shall be carried out in such manner and in accordance with such procedure as may be prescribed.

24. The procedure relating to submission, opening and evaluation of bids.- Subject to the terms and conditions as may be laid down in the bidding documents, submission of bids, opening and evaluation of bids, including constitution of committees for those purposes shall be in accordance with the rules as may be prescribed.

(4) Deleted

(5) The Notice Inviting Bids to be published in the newspapers must be in brief. The bids for more than one subject matter of procurement shall be published in one Notice, as far as possible.

(6) Time for submission of bids for supply of goods or providing services in response to publication of Notice Inviting Bids in newspapers and notice boards shall be as under:-

Table

Time for submission of bids and modes of publicity for procurement of Goods and Services

S. No.	Estimated Value of procurement	Period for submission of bid from the date of first publication of Notice Inviting Bid	Mode of publication
1	2	3	4
1.	Up to rupees ten lakh	Seven days	(i) Notice Board of the procuring entity and all subordinate Regional and Divisional Head Quarters, as the case may be.

			<p>all Sub-Divisional offices of the Division.</p> <p>(iii) Publication in one leading Regional daily Newspaper, two state level leading daily news papers and one all India level daily news paper.</p> <p>(iv) Any trade Journal specializing for publication of NIT's.</p>				(ii) One Regional daily newspaper.	
6.	Above Rs. 100 lac	30 days	<p>(i) Contractors Association at Departmental level, all Zones, Circles and all Divisions in Zone.</p> <p>(ii) Notice Board of Head Quarter offices of Zones, Circles, Divisions and all Sub-Divisional offices of the Division.</p> <p>(iii) Publication in one leading Regional daily Newspaper, two state level leading daily news paper and two all india level daily news paper.</p> <p>(iv) Any trade Journal specializing for publication of NIT's.</p>		2.	Above rupees ten lakh and upto rupees one crore	Ten days	<p>(i) Notice Board of the procuring entity and all subordinate Regional and Divisional Head Quarters, as the case may be.</p> <p>(ii) One Regional daily newspaper.</p> <p>(iii) One leading daily State Level newspaper having circulation of fifty thousand copies and above.</p>
<p>Note-1. Time allowed for publication commences from the date of publication in the News Paper - wherever prescribed. This applies to extension of reinvitation of tenders also.</p> <p>Note-2. In case of Flood Control Works and urgent repairs to Irrigation works, where immediate action is necessary due to impending rains or closures of canals, the next higher authority may permit a shorter notice. In case of other works of emergent nature, time period of publication may be reduced with prior permission of the concerned Chief Engineer. In all other cases approval of Finance Department shall be required. The time limit of 30 days and 15 days could be reduced to 20 days and 10 days</p>					3.	Above rupees one crore	Twenty days	(i) Notice Board of the procuring entity and of all subordinate

	<p>respectively and there will be no reduction in the time limit of 10 days and 7 days.</p> <p>Note-3. The advertisement in Newspapers shall be made through Director, Public Relation, Rajasthan, Jaipur. For the purpose of appropriate categorisation, the amount of individual NIT shall be taken in consideration and not total of all.</p> <p>Note-4. The Notice Inviting Tender shall also be published by including it on the Website of the Director Information and Public Relations, Rajasthan, Jaipur (DIPR) if the value of the tender exceeds Rs. 10.00 lacs. The tender below Rs. 10.00 lacs shall, however, be published through the Departmental Website.</p> <p>Note-5. The tender to be published through the Website of the DIPR shall be E-mailed on "Tender@rajasthan.gov.in" by attaching word/HTML format file.</p> <p>Note-6. As the tender is being published on the Website, a brief NIT only shall be given in the newspaper containing a note that other particulars of the tender may be seen on the website "www.dipronline.org" [and Departmental Website.....].</p> <p>Note-7. Any tender received other than on prescribed form shall not be entertained. The tender form can also be downloaded from the website and this shall be entertained. Cost of the tender form downloaded from the website shall be deposited by the tenderer separately as applicable by way of Demand Draft or in cash along with the earnest money.</p>					<p>Regional and Divisional Head Quarters, as the case may be. (ii) One State level leading daily newspaper having circulation of fifty thousand copies and above. (iii) One all India level English daily newspaper with wide circulation.</p>	
<p>Provided that, in appropriate cases, the procuring entity may relax the above mentioned period of publication of notice inviting bid and submission of bid if the estimated value of procurement is upto Rs. 50 crores and with the approval of the Administrative Department concerned, if the value of procurement is more than Rs. 50 crores.</p> <p>(7) Time for submission of bids for execution of works in response to publication of Notice Inviting Bids in newspapers and notice boards shall be as under:-</p>							

Table Time for submission of bids and modes of publicity for procurement of works			
S. No.	Estimated Value of work to be procured	Period for submission of bid from the date of first publication of Notice Inviting Bid	Mode of publication
1	2	3	4
1.	Up to rupees ten lakh	Seven days	(i) Notice Board of the procuring entity and its subordinate offices. (ii) One leading Regional daily Newspaper.
2.	Above rupees ten lakh and upto rupees two crore	Ten days	(i) Notice Board of the procuring entity and its subordinate offices, and (ii) One leading Regional daily

					newspaper and one state level leading daily newspaper having circulation of 50,000 copies or more.	
			3.	Above rupees two crore and upto 50 crores.	Twenty days	(i) Notice Board of the procuring entity and its subordinate offices. (ii) One leading Regional daily newspaper and one State level leading daily newspaper having circulation of 50,000 copies or more, and (iii) One all India level daily

				English newspaper with wide circulation.
4.	Above rupees 50 Crores	Thirty days	(i) Notice Board of the procuring entity and its subordinate offices. (ii) One leading Regional daily newspaper and one State level leading daily newspapers having circulation of 50,000 copies or more, and (iii) One all India level daily English newspaper with wide circulation.	
<p>Provided that, in appropriate cases, the procuring entity may relax the above mentioned period of publication of notice inviting bid and submission of bid if the estimated value of</p>				

			<p>procurement is upto Rs. 50 crores and with the approval of the Administrative Department concerned if the value of procurement is more than Rs. 50 crores.</p> <p>(8) In case of International Competitive Bidding in which the bid notice is to be addressed to international bidders, the Notice Inviting Bids shall additionally be published by using suitable mediums that attract international responses. This may include circulation of Notice Inviting Bids to the Indian embassies abroad, foreign embassies in India, international trade journals, etc. Period for submission of bid from the date of first publication of Notice Inviting Bid shall be forty five days.</p> <p>(9) The Notice Inviting Bids shall be published, by the Government Departments in newspapers through Information and Public Relations Department, Rajasthan with a request in which category of newspapers such notice is to be published.</p> <p>(10) ¹[Deleted]</p> <p>(11) The procuring entity shall have right to cancel the bid process and reject any or all of the bids.</p> <p>44. Price for bidding documents, pre-qualification documents or bidder registration documents and processing fee or user charges.- The price for the bidding documents, prequalification documents or registration documents shall be fixed after considering its preparation and delivering costs. The procuring entity may also charge processing fee or user charges for using e-procurement facility.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 332. At the advertised time and place all tenders received for the same contract should be opened by the Divisional officer or other officer in person, in the presence of such of the intending contractors or their agents as may choose to attend. No tender should be accepted from any person directly or indirectly connected with a service of the Government.</p> <p><i>Note : To avoid possibilities of original tender documents being tampered with, tenders of all the contractors alongwith rates and conditions shall be entered in the Register of Opening of Tenders for Works/Stores and other items, in Form RPWA 20A.</i></p>	<p>24. The procedure relating to submission, opening and evaluation of bids.- Subject to the terms and conditions as may be laid down in the bidding documents, submission of bids, opening and evaluation of bids, including constitution of committees for those purposes shall be in accordance with the rules as may be prescribed.</p>	<p>53. Receipt and Custody of Bids.- (1) The bids shall be received by hand delivery, by courier or by post in the specified format up to the specified time and date and at the specified place, by the person authorised by the procuring entity except when bids are received through e-procurement or they are directly dropped in the bid box.</p> <p>(2) The person authorised to receive the bids shall provide a receipt signed by him with date and time of receipt of bid to the person, who delivers the bid.</p> <p>(3) All bids received unsealed, in torn or damaged condition through post or by personal delivery shall be so marked and signed on the cover by the person receiving the same and get signed on it by the person delivering it and put in a fresh cover and reseal, if so warranted. All such entries shall be attested by the receiving person.</p> <p>(4) Preferably, all bids received shall be put into a duly locked bid box placed for receiving the bids. In the absence of a bid box, the received bids shall be kept in safe custody in lock and key by the person authorised to receive the bids.</p> <p>(5) The location of bid box shall be such as to facilitate easy access to bidders. The bid box shall have two sealed locks. The key of one of the locks shall remain with the procuring entity and the key of the other lock shall be with the person authorised to receive the bids.</p> <p>(6) Bids received by the authorised person on or before the time and date fixed for receipt of bids shall be entered in bids receipt register and the same shall be closed at the scheduled time and date giving in words and figures the number of bids received up to the last time and date for submission of bids.</p> <p>(7) The record of bids received late through post shall be entered in bids receipt register after closing the register as per sub-rule (6).</p> <p>(8) Bids received by telegram or given on form other than the prescribed form shall not be considered.</p> <p>(9) In case of e-tendering, that is to say bid proposals submitted through electronic methods, the same shall be</p>	<p>To be deleted</p>

			<p>submitted in accordance with the procedure outlined on the State Public Procurement Portal.</p> <p>55. Opening of bids.- (1) The sealed bid box shall be opened by the bid opening committee constituted by the procuring entity at the time, date and place specified in the bidding documents in the presence of the bidders or their authorised representatives, who choose to be present.</p> <p>(2) The bids receiving person shall also hand over all the bids received by him up to the time and date for submission of bids to the Convener of bids opening committee and obtain its signature in the bids receipt register.</p> <p>(3) The bid opening committee may co-opt experienced persons in the committee to conduct the process of bid opening.</p> <p>(4) If electronic bidding is adopted, specific electronic bid opening procedure as specified on the State Public Procurement Portal shall be followed. The bidders may witness the electronic bid opening procedure online.</p> <p>(5) The bids shall be opened by the bids opening committee in the presence of the bidders or their authorised representatives who choose to be present. All envelopes containing bids shall be signed with date by the members of the committee in token of verification of the fact that they are sealed. The envelopes shall be numbered as a/n, where 'a' denotes the serial number at which the bid envelop has been taken for opening and 'n' denotes the total number of bids received by specified time.</p> <p>(6) The bid opening committee shall prepare a list of the bidders or their representatives attending the opening of bids and obtain their signatures on the same. The list shall also contain the representative's name and telephone number and corresponding bidders' names and addresses. The authority letters brought by the representatives shall be attached to the list. The list shall be signed by all the members of bid opening committee with date and time of opening of the bids.</p> <p>(7) First, envelopes marked as "WITHDRAWAL" shall be opened, read out, and recorded and the envelope containing the corresponding bid shall not be opened, but returned to the bidders. No bid shall be permitted to be withdrawn unless the corresponding withdrawal notice contains</p>	
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			<p>a valid authorisation to request the withdrawal and readout and recorded in bid opening. If the withdrawal notice is not accompanied by the valid authorisation, the withdrawal shall not be permitted and the corresponding bid shall be opened. Next, envelopes marked as "SUBSTITUTION" shall be opened, read out, recorded and exchanged for the corresponding bid being substituted and the substituted bid shall not be opened, but returned to the bidder. No bid shall be substituted unless the corresponding substitution notice contains a valid authorisation to request the substitution and is read out and recorded at bid opening. Envelopes marked as "MODIFICATION" shall be opened thereafter, read out and recorded with the corresponding bid. No bid shall be modified unless the corresponding modification notice contains a valid authorisation to request the modification and is read out and recorded at bid opening. Only envelopes that are opened, read out, and recorded at bid opening shall be considered further.</p> <p>(8) All other envelopes shall be opened one at a time and the following details shall be read out and recorded-</p> <ul style="list-style-type: none"> (a) the name of the bidder and whether there is a substitution or modification; (b) the bid prices (per lot if applicable); (c) the bid security, if required; and (d) any other details as the committee may consider appropriate. <p>After all the bids have been opened, they shall be initialed and dated on the first page of the each bid by the members of the bids opening committee. All the pages of the price schedule and letters, Bill of Quantities attached shall be initialed and dated by the members of the committee. Key information such as prices, delivery period, etc. shall be encircled and unfilled spaces in the bids shall be marked and signed with date by the members of the committee. The original and additional copies of the bid shall be marked accordingly. Alterations/corrections/additions/overwritings shall be initialed legibly to make it clear that such alteration, etc., were existing in the bid at the time of opening.</p> <p>(9) No bid shall be rejected at the time of bid opening except the late bids, alternative bids (if not permitted) and bids</p>	
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			<p>not accompanied with the proof of payment or instrument of the required price of bidding documents, processing fee or user charges and bid security.</p> <p>(10) The bid opening committee shall prepare a record of the bid opening that shall include the name of the bidder and whether there is a withdrawal, substitution, or modification, the bid price, per lot (if applicable), any discounts and alternative offers (if they were permitted), any conditions put by bidder and the proof of the payment of price of bidding documents, processing fee or user charges and bid security. The bidders or their representatives, who are present, shall sign the record. The omission of a bidder's signature on the record shall not invalidate the contents and effect of the record. The members of the committee shall also sign the record with date.</p> <p>(11) In case of two part bids, only outer envelopes and envelopes marked as "Technical Bid" shall be opened in the sequence of the serial numbers marked on them. The envelopes marked as "Financial Bid" shall be kept intact and safe and shall be opened of only those bidders who qualify in the evaluation of their Technical Bids in the manner as mentioned in sub-rule (3) to (10) above, on the date and time to be intimated to those bidders.</p> <p>(12) In case of two stage bidding the proposals received in response to invitation of Expression of Interest or Request for Qualification in the first stage shall be opened as per the procedure specified in sub-rules (3) to (10) for the opening of Single Part bid. The procedure for opening of second stage bids shall be similar to that for opening of Two Part bids, specified in sub-rule (11). In case Technical and Financial bids are invited in single envelop in second stage, the procedure for opening of the bids shall be as specified in sub-rule (3) to (10).</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>333. As a rule, no tender for the execution of works of any description should be entertained unless accompanied by earnest money paid to the extent which has been notified as necessary, by the Divisional or other officer. But in the case of petty works costing less than Rs. 50,000/- and for collection of material costing less than Rs. 30,000/- the Divisional or other officer may, at his discretion, accept tender without earnest money.</p>		<p>42. Bid security.- (1) Bid security shall not be taken in case of petty procurement valuing up to rupees ten thousand and procurement by the methods of limited bidding under clause (b) and (c) of sub-section (1) of section 30, request for quotations, spot purchase, single source procurement and competitive negotiations.</p> <p>(2) In case of open competitive bidding, two-stage bidding, rate contract, electronic reverse auction, bid security shall be 2% or as specified by the State Government of the estimated value of subject matter of procurement put to bid. In case of Small Scale Industries of Rajasthan it shall be 0.5% of the quantity offered for supply and in case of sick industries, other than Small Scale Industries, whose cases are pending with Board of Industrial and Financial Reconstruction, it shall be 1% of the value of bid. Concessional bid security may be taken from registered bidders as specified by the State Government. Every bidder, if not exempted, participating in the procurement process shall be required to furnish the bid security as specified in the notice inviting bids.</p> <p>(3) In lieu of bid security, a bid securing declaration shall be taken from the,-</p> <ul style="list-style-type: none"> (i) Departments/Boards of the State Government or Central Government; (ii) Government Companies as defined in clause (45) of section 2 of the Companies Act, 2013; (iii) Company owned or controlled, directly or indirectly, by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments which is subject to audit by the Auditor appointed by the Comptroller and Auditor-General of India under sub-section (5) or (7) of section 139 of the Companies Act, 2013; or (iv) Autonomous bodies, Registered Societies, 	To be deleted

			<p>Cooperative Societies which are owned or controlled or managed by the State Government or Central Government.</p> <p>(4) Bid security instrument or cash receipt of bid security or a bid securing declaration shall necessarily accompany the sealed bid.</p> <p>(5) 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.</p> <p>(6) The bid security may be given in the form of cash, a banker's cheque or demand draft or bank guarantee, in specified format, of a scheduled bank or deposit through eGRAS. The bid security must remain valid thirty days beyond the original or extended validity period of the bid.</p> <p>(7) The bidding documents may stipulate that the issuer of the bid security and the confirmer, if any, of the bid security, as well as the form and terms of the bid security, must be acceptable to the procuring entity. In cases of International Competitive Bidding, the bidding documents may in addition stipulate that the bid security shall be issued by an issuer in India.</p> <p>(8) Prior to presenting a submission, a bidder may request the procuring entity to confirm the acceptability of proposed issuer of a bid security or of a proposed confirmer, if required. The procuring entity shall respond promptly to such a request.</p> <p>(9) The bank guarantee presented as bid security shall be got confirmed from the concerned issuing bank. However, the confirmation of the acceptability of a proposed issuer or of any proposed confirmer does not preclude the procuring entity from rejecting the bid security on the ground that the issuer or the confirmer, as the case may be, has become insolvent or has otherwise ceased to be creditworthy.</p> <p>(10) The bid security of unsuccessful bidders shall be refunded soon after final acceptance of successful bid and signing of Agreement and submitting performance security.</p> <p>(11) The Bid security taken from a bidder shall be</p>	
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			<p>forfeited in the following cases, namely:-</p> <ul style="list-style-type: none"> (a) when the bidder withdraws or modifies its bid after opening of bids; (b) when the bidder does not execute the agreement, if any, after placement of supply / work order within the specified period; (c) when the bidder fails to commence the supply of the goods or service or execute work as per supply / work order within the time specified; (d) when the bidder does not deposit the performance security within specified period after the supply / work order is placed; and (e) if the bidder breaches any provision of code of integrity prescribed for bidders specified in the Act and Chapter VI of these rules. <p>(12) In case of the successful bidder, the amount of bid security may be adjusted in arriving at the amount of the Performance Security, or refunded if the successful bidder furnishes the full amount of performance security.</p> <p>(13) The procuring entity shall promptly return the bid security after the earliest of the following events, namely:-</p> <ul style="list-style-type: none"> (a) the expiry of validity of bid security; (b) the execution of agreement for procurement and performance security is furnished by the successful bidder; (c) the cancellation of the procurement process; or (d) the withdrawal of bid prior to the deadline for presenting bids, unless the bidding documents stipulate that no such withdrawal is permitted. 	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>335. The amount of Earnest Money to be deposited should be sufficiently large (minimum being 2% of estimated cost) to be a security against loss, in case of the contractor failing to furnish the required security within the appointed time after the acceptance of his tender, or until the sums due to him form a sufficient guarantee or fails to commence the work or execute agreement or withdraw offer, as the case may be. Earnest Money shall not be taken in the form of Bank Guarantee. Earnest Money amounting up to Rs. 10 lac is to be obtained in Cash/DD/Banker Cheque. Remaining Earnest Money beyond Rs. 10 lac can be accepted in bank guarantee (in Form RPWA 87).</p>		<p>42. Bid security.- (2) In case of open competitive bidding, two-stage bidding, rate contract, electronic reverse auction, bid security shall be 2% or as specified by the State Government of the estimated value of subject matter of procurement put to bid. In case of Small Scale Industries of Rajasthan it shall be 0.5% of the quantity offered for supply and in case of sick industries, other than Small Scale Industries, whose cases are pending with Board of Industrial and Financial Reconstruction, it shall be 1% of the value of bid. Concessional bid security may be taken from registered bidders as specified by the State Government. Every bidder, if not exempted, participating in the procurement process shall be required to furnish the bid security as specified in the notice inviting bids.</p>	<p>To be deleted</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 336.(a) Usually the lowest tender should be accepted, unless there be some objection to the capability of the contractor, the performance guarantee and security offered by him, or his execution of former work. At the same time the acceptance or rejection of tenders is left entirely to the discretion of the officer to whom the duty is entrusted, and no explanation can be demanded of the cause of the rejection of his offer by any person making a tender. In cases, where the lowest tender is not accepted, reasons should, however, be recorded. In selecting the tender to be accepted the financial status of the individuals and firms tendering should be taken into consideration in addition to all other relevant factors. In case a single tender is received or in case where a tender other than the lowest is to be accepted, approval of the next higher authority shall be obtained, and entered in the Register of</p>		<p>68. Lack of competition.- (1) A situation may arise where, if after evaluation of bids the bid evaluation committee may end-up with one responsive bid only, in such situation, the bid evaluation committee should check as to whether while floating the Notice Inviting Bids all necessary requirements to encourage competition like standard bid conditions, industry friendly specifications, wide publicity, sufficient time for formulation of bids, etc. were fulfilled. If not, the Notice Inviting Bids should be refloated after rectifying deficiencies. The bid process shall be considered valid even if there is one responsive bid, provided that-</p> <ul style="list-style-type: none"> (a) the bid is technically qualified; (b) the price quoted by the bidder is assessed to be reasonable; (c) the bid is unconditional and complete in all respects; (d) there are no obvious indicators of cartelisation amongst bidders; and (e) the bidder is qualified as per the provisions of section 7 <p>¹(2) The bid evaluation committee shall prepare a justification note for approval of the procuring entity, clearly including views of the accounts/finance member of the committee.</p> <p>(3) The procuring entity competent to decide a procurement case, as per delegation of financial powers, shall decide as to whether to sanction the single bid or re-invite bids after recording its reasons for doing so.]</p> <p>(4) If a decision to re invite the bids is taken, market assessment shall be carried out for estimation of market depth, eligibility criteria and cost estimate.</p> <p>69. Negotiations.- (1) Except in case of procurement by method of single source procurement or procurement by competitive negotiations, to the extent possible, no negotiations shall be conducted after the pre-bid stage. All clarifications needed to be sought shall be sought in the pre-bid stage itself.</p> <p>(2) Negotiations may, however, be undertaken only with the lowest or most advantageous bidder under the following circumstances-</p> <ul style="list-style-type: none"> (a) when ring prices have been quoted by the bidders for the subject matter of procurement; or (b) when the rates quoted vary considerably and considered much higher than the prevailing market rates. <p>(3) The bid evaluation committee shall have full powers to undertake negotiations. Detailed reasons and results of negotiations shall be recorded in the proceedings.</p> <p>(4) The lowest or most advantageous bidder shall be informed in writing either through messenger or by registered letter and email (if available). A minimum time of seven days shall be given for calling negotiations. In case of urgency the bid</p>	<p>To be deleted</p>

<p>Tenders accepted other than the lowest (RPWA 30A).</p> <p>(b) Normally Public Sector Undertakings/ Corporations, Companies Societies desiring to take up Public Works shall have to compete in the open tender in the usual way. However, the work may be allotted to RSRDCC after prior approval of Administrative Department (Public Works Department).</p> <p>In case of works being executed by RSRDCC, they will charge overhead over and above actual work cost (as per work order). The overhead will be decided by P.W.D. with the concurrence of Finance Department.</p> <p>(c) Normally there should be no negotiations after receipt of tenders, for it defeat the very purpose of calling competitive bids. Where, however, due to certain reasons, negotiations become essential, the fundamental principals and procedure laid down in Rule 59 of the GF & AR Part-II must be followed by the authorities competent under the</p>		<p>time evaluation committee, after recording reasons, may reduce the time, provided the lowest or most advantageous bidder has received the intimation and consented to regarding holding of negotiations.</p> <p>(5) Negotiations shall not make the original offer made by the bidder inoperative. The bid evaluation committee shall have option to consider the original offer in case the bidder decides to increase rates originally quoted or imposes any new terms or conditions.</p> <p>(6) In case of non-satisfactory achievement of rates from lowest or most advantageous bidder, the bid evaluation committee may choose to make a written counter offer to the lowest or most advantageous bidder and if this is not accepted by him, the committee may decide to reject and re-invite bids or to make the same counter-offer first to the second lowest or most advantageous bidder, then to the third lowest or most advantageous bidder and so on in the order of their initial standing and work / supply order be awarded to the bidder who accepts the counter-offer. This procedure should be used in exceptional cases only.</p> <p>(7) In case the rates even after the negotiations are considered very high, fresh bids shall be invited.</p> <p>70. Acceptance of the successful bid and award of contract.- (1) The procuring entity after considering the recommendations of the bid evaluation committee and the conditions of bid, if any, financial implications, trials, sample testing and test reports, etc., shall accept or reject the successful bid. If any member of the bid evaluation committee, has disagreed or given its note of dissent, the matter shall be referred to the next higher authority, as per delegation of financial powers, for decision.</p> <p>(2) Decision on bids shall be taken within original validity period of bids and time period allowed to procuring entity for taking decision. If the decision is not taken within the original validity period or time limit allowed for taking decision, the matter shall be referred to the next higher authority in delegation of financial powers for decision.</p> <p>(3) Before award of the contract, the procuring entity shall ensure that the price of successful bid is reasonable and consistent with the required quality.</p> <p>(4) A bid shall be treated as successful only after the competent authority has approved the procurement in terms of that bid.</p> <p>(5) The procuring entity shall award the contract to the bidder whose offer has been determined to be the lowest or most advantageous in accordance with the evaluation criteria set out in the bidding documents and if the bidder has been determined to be qualified to perform the contract satisfactorily on the basis of qualification criteria fixed for the bidders in the bidding documents for the subject</p>	
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	<p>relevant item of the Schedule of Powers (Appendix-XIII).</p>		<p>matter of procurement.</p> <p>(6) Prior to the expiration of the period of bid validity, the procuring entity shall inform the successful bidder, in writing, that its bid has been accepted.</p> <p>(7) As soon as a bid is accepted by the competent authority, its written intimation shall be sent to the concerned bidder by registered post or email and asked to execute an agreement in the format given in the bidding documents on a non judicial stamp of requisite value and deposit the amount of performance security or a performance security declaration, if applicable, within a period specified in the bidding documents or where the period is not specified in the bidding documents then within fifteen days from the date on which the letter of acceptance or letter of intent is despatched to the bidder.</p> <p>(8) If the issuance of formal letter of acceptance is likely to take time, in the meanwhile a Letter of Intent (LOI) may be sent to the bidder. The acceptance of an offer is complete as soon as the letter of acceptance or letter of intent is posted and/or sent by email (if available) to the address of the bidder given in the bidding document. Until a formal contract is executed, the letter of acceptance or Letter of Intent shall constitute a binding contract.</p> <p>(9) The bid security of the bidders whose bids could not be accepted shall be refunded soon after the contract with the successful bidder is signed and its performance security is obtained.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 338. The security deposit @ 10% of the gross amount of the running bill shall be deducted from each running bill and shall be refunded as per rules on completion of the contract as per terms and conditions. However, the amount of security deposit deducted from running bills shall not be converted into any mode of securities like bank guarantee, FDR etc. The earnest money deposited shall however be adjusted while deducting security deposit from first running bill of the contractor. There will be no maximum limit of security deposit.</p> <p>However, a contractor may elect to deposit full amount of 10% security deposit in the shape of bank guarantee or any acceptable form of security before or at the time of executing agreement. In that case earnest money may be refunded only after deposition of full 10% as above. However, in case during execution cost of works exceeds as shown at the time of depositing 10% as above, balance security deposit shall be deducted from the Running Account Bills.]</p> <p>Note 1: When earnest money tendered under Rule 335 is adjusted into security deposit, it should be taken into account for the purpose of the deduction made</p>		<p>75. Performance security.-</p> <p>(1) Performance security shall be solicited from all successful bidders except the,-</p> <ul style="list-style-type: none"> (i) Departments/Boards of the State Government or Central Government; (ii) Government Companies as defined in clause (45) of section 2 of the Companies Act, 2013; (iii) Company owned or controlled, directly or indirectly, by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments which is subject to audit by the Auditor appointed by the Comptroller and Auditor-General of India under sub-section (5) or (7) of section 139 of the Companies Act, 2013; or (iv) Autonomous bodies, Registered Societies, Cooperative Societies which are owned or controlled or managed by the State Government or Central Government. <p>However, a performance security declaration shall be taken from them. The State Government may relax the provision of performance security in a particular procurement or any class of procurement.</p> <p>(2) The amount of performance security shall be five percent, or as may be specified in the bidding documents, of the amount of supply order in case of procurement of goods and services and ten percent of the amount of work order in case of procurement of works. In case of Small Scale Industries of Rajasthan it shall be one percent of the amount of quantity ordered for supply of goods and in case of sick industries, other than Small Scale Industries, whose cases are pending before the Board of Industrial and Financial Reconstruction (BIFR), it shall be two percent of the amount of supply order.</p> <p>(3) Performance security shall be furnished in any one of the following forms-</p>	<p>To be deleted</p>

<p>under this rule e.g. when 10% of the first monthly payment is less than the amount of earnest money, no deduction will be made from it (the deduction will commence from the subsequent payment) but when it is more, only the difference between it and the earnest money will be deducted from the bill towards the security deposit.</p> <p>Note-2: The Bank Guarantee is given by a Bank on behalf of his customer, against certain margin money or Fixed Deposit Receipts or collateral securities etc. Interest accruing on such deposits will naturally go to the contractor with which the State Government is not concerned. The Bank Guarantee is for a fixed and definite amount, without accumulation of interest thereon.</p> <p>Note-3: Genuineness of every Bank Guarantee may be got verified independently to detect any forged Bank Guarantee. A note of Verification shall be recorded on the margin of the Bank Guarantee over the signatures of the Divisional Officer.</p>		<p>(a) deposit though eGRAS;</p> <p>(b) Bank Draft or Banker's Cheque of a scheduled bank;</p> <p>(c) National Savings Certificates and any other script/instrument under National Savings Schemes for promotion of small savings issued by a Post Office in Rajasthan, if the same can be pledged under the relevant rules. They shall be accepted at their surrender value at the time of bid and formally transferred in the name of procuring entity with the approval of Head Post Master;</p> <p>(d) Bank guarantee/s of a scheduled bank. It shall be got verified from the issuing bank. Other conditions regarding bank guarantee shall be same as mentioned in the rule 42 for bid security;</p> <p>(e) Fixed Deposit Receipt (FDR) of a scheduled bank. It shall be in the name of procuring entity on account of bidder and discharged by the bidder in advance. The procuring entity shall ensure before accepting the Fixed Deposit Receipt that the bidder furnishes an undertaking from the bank to make payment/premature payment of the Fixed Deposit Receipt on demand to the procuring entity without requirement of consent of the bidder concerned. In the event of forfeiture of the performance security, the Fixed Deposit shall be forfeited along with interest earned on such Fixed Deposit.</p> <p>(f) In case of procurement of works, the successful bidder at the time of signing of the contract agreement, may submit option for deduction of performance security from his each running and final bill @ 10% of the amount of the bill.</p> <p>(4) Performance security furnished in the form specified in clause (b) to (e) of sub-rule (3) shall remain valid for a period of sixty days beyond the date of completion of all contractual obligations of the bidder, including warranty obligations and maintenance and defect liability period.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 340. Engineers and their subordinates are responsible that the terms of contracts are strictly enforced and that no act is done tending to nullify or vitiate a contract. All contract deeds must be executed on one or other of the standard forms, but they may be modified to suit local requirements after approval of Law and Finance Departments. All agreements or security bonds entered into with the Department by contractors for the execution of work or for securing the due performance of contracts are subject to stamp duty as notified by State Government, Finance Department under Rajasthan Act No. 7 of 1952 namely, the Rajasthan Stamp Law (Adaptation) Act, 1952 and amended from time to time. The stamp duty shall be payable by the contractor.</p>		<p>75. Performance security.-</p> <p>(1) Performance security shall be solicited from all successful bidders except the,-</p> <ul style="list-style-type: none"> (i) Departments/Boards of the State Government or Central Government; (ii) Government Companies as defined in clause (45) of section 2 of the Companies Act, 2013; (iii) Company owned or controlled, directly or indirectly, by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments which is subject to audit by the Auditor appointed by the Comptroller and Auditor-General of India under sub-section (5) or (7) of section 139 of the Companies Act, 2013; or (iv) Autonomous bodies, Registered Societies, Cooperative Societies which are owned or controlled or managed by the State Government or Central Government. <p>However, a performance security declaration shall be taken from them. The State Government may relax the provision of performance security in a particular procurement or any class of procurement.</p> <p>(2) The amount of performance security shall be five percent, or as may be specified in the bidding documents, of the amount of supply order in case of procurement of goods and services and ten percent of the amount of work order in case of procurement of works. In case of Small Scale Industries of Rajasthan it shall be one percent of the amount of quantity ordered for supply of goods and in case of sick industries, other than Small Scale Industries, whose cases are pending before the Board of Industrial and Financial Reconstruction (BIFR), it shall be two percent of the amount of supply order.</p> <p>(3) Performance security shall be furnished in any one of the following forms-</p> <ul style="list-style-type: none"> (a) deposit through eGRAS; (b) Bank Draft or Banker's Cheque of a scheduled bank; (c) National Savings Certificates and any other script/instrument under National Savings Schemes for promotion of small savings issued by a Post Office in Rajasthan, if the same can be pledged under the relevant rules. They shall be accepted at their surrender value at the time of bid and formally transferred in the name of procuring entity with the approval of Head Post Master; (d) Bank guarantee/s of a scheduled bank. It shall be got verified from the issuing bank. Other conditions regarding bank guarantee shall be same as mentioned in the rule 42 for bid security; (e) Fixed Deposit Receipt (FDR) of a scheduled bank. It shall be in the name of 	<p>To be deleted</p>

			<p>procuring entity on account of bidder and discharged by the bidder in advance. The procuring entity shall ensure before accepting the Fixed Deposit Receipt that the bidder furnishes an undertaking from the bank to make payment/premature payment of the Fixed Deposit Receipt on demand to the procuring entity without requirement of consent of the bidder concerned. In the event of forfeiture of the performance security, the Fixed Deposit shall be forfeited along with interest earned on such Fixed Deposit.</p> <p>(f) In case of procurement of works, the successful bidder at the time of signing of the contract agreement, may submit option for deduction of performance security from his each running and final bill @ 10% of the amount of the bill.</p> <p>(4) Performance security furnished in the form specified in clause (b) to (e) of sub-rule (3) shall remain valid for a period of sixty days beyond the date of completion of all contractual obligations of the bidder, including warranty obligations and maintenance and defect liability period.</p> <p>76. Execution of agreement.- (1) A procurement contract shall come into force from the date on which the letter of acceptance or letter of intent is despatched to the bidder.</p> <p>(2) The successful bidder shall sign the procurement contract within a period specified in the bidding document or where the period is not specified in the bidding document then within fifteen days from the date on which the letter of acceptance or letter of intent is despatched to the successful bidder.</p> <p>(3) If the bidder, whose bid has been accepted, fails to sign a written procurement contract or fails to furnish the required performance security within specified period, the procuring entity shall take action against the successful bidder as per the provisions of the Act and these rules. The procuring entity may, in such case, cancel the procurement process or if it deems fit, offer for acceptance the rates of lowest or most advantageous bidder to the next lowest or most advantageous bidder, in accordance with the criteria and procedures set out in the bidding documents.</p> <p>(4) The bidder shall be asked to execute the agreement on a nonjudicial stamp of specified value at its cost.</p>	
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S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p>Rule 343. Departures from the Rules 322 to 342 will be permitted by the Government only in unavoidable circumstances.</p> <p>The following points should be very carefully noted:-</p> <p>(i) No Authority may enter into a Contract into which he is not empowered to enter under Rule 341 and Schedule of Powers of the officers of the Engineering Departments or which infringes the Rule 342.</p> <p>(ii) No Authority may accept any contract for a work until an assurance has been received from the authority competent to provide funds for the same, that such funds will be allotted before the liability matures (vide Rule 348 (a)).</p> <p>(iii) No Authority subordinate to the Government may waive the provisions of Rule 339 where the purchase of imported materials contravenes the provisions of the Stores Purchases Rules.</p> <p><i>Note: Restriction (i) above does not apply to Piece Work Agreements/Work Orders, which are not contracts within the meaning of these Rules vide Rule 322.</i></p>			<p>To be deleted/ amended</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p><u>Rule 594.</u></p> <p>Note: Bank Guarantee in lieu of earnest money is not permitted. However for big contracts, earnest money amounting upto Rs. 10 lac is to be obtained in Cash/DD/Bankers Cheque and remaining Earnest Money beyond Rs. 10 lac can be accepted in bank guarantee in Form RPWA 87.</p>		<p>42. Bid security.- (6) The bid security may be given in the form of cash, a banker's cheque or demand draft or bank guarantee, in specified format, of a scheduled bank or deposit through eGRAS. The bid security must remain valid thirty days beyond the original or extended validity period of the bid.</p>	<p>Needs to be deleted</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p style="text-align: center;">APPENDIX VII (See Chapter XII, Rule 323) Rules for the execution of work on "Work Orders"</p> <p>1. These rules apply only to all contracts not exceeding the sum of Rs. 30,000 which cannot be completed and settled up forthwith. (See Appendix XIII for delegation of Powers for allotting work on "Work Order" basis).</p> <p>2. (a) No work shall be performed under any such contract, unless the conditions to be fulfilled are reduced to writing and signed by the contractor and the officer competent to enter into the "Work Order".</p> <p>(b) No authority lower than the Officer-in-Charge of a Division may enter into any contract or agreement for Public Works.</p> <p>(c) When work has to be performed within 8 kilometres of the headquarters of a district where it is possible to call for tenders as laid down in rule 331 to 337 of Public Works Financial & Accounts Rules, instructions in those rules must be observed for all contracts exceeding Rs. 10,000/-.</p> <p>(d) For works other than those mentioned in sub-clause (c) above, where such formalities are difficult to carry out, it is left to the discretion of the Divisional Officer to get work done on "Work Order" not exceeding Rs. 30,000/- to follow or dispense with them as seems most suitable for the purpose of the work concerned.</p> <p>(e) "Work Order" not exceeding Rs. 30,000 should be drawn up on Form No.RPWA 103, and clear instructions and specifications, signed by the Divisional Officer and by the contractor, should be entered. These instructions and specifications must be precise as to what is to be done, the time to be allowed and the compensation, which may be inflicted in case of failure.</p> <p>3. No individual contractor may receive more than one contract at one time in connection with the same work. This, however, will not prevent a Divisional Officer giving to the same contractor more than one contract in several sections of the same work in different localities (e.g. earthwork or silt clearance in different reaches of the same channel) or in connection with different types of work (e.g., repairs to banks and masonry works under the Annual Repairs Estimate). Moreover, this restriction does not apply to entering into a supplementary contract to cover items of work inadvertently left out of the original contract or which could not be foreseen when the latter was drawn up. (See also rule 342).</p> <p>4. Special attention is also invited to the first section of rule 340 and to the necessity of either enforcing penalty for failure to finish the work within the time-limit laid down in the "Work Order" or of getting proper sanction of competent authority in writing to its extension.</p> <p>5. A Register of "Works Orders" shall be maintained in Form RPWA-106.</p>			<p>May be decided after finalization of SBD.</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p style="text-align: center;">APPENDIX VIIA (See Rule 306A) Procedure for Award of Consultancy Contracts</p>			<p style="text-align: center;">May be decided after finalization of SBD.</p>

S. No.	PWF&AR	RTPP Act, 2012	RTPP Rules, 2013	Remarks
	<p style="text-align: center;">Appendix XI (RPWA-100) (See Rule 322 & Note 1 below Rule 331) GOVERNMENT OF RAJASTHAN OFFICE OF THE.....DEPARTMENT..... NOTICE INVITING TENDERS FOR WORKS</p> <p style="text-align: center;">GENERAL RULES AND DIRECTIONS FOR THE GUIDANCE OF CONTRACTORS</p> <p style="text-align: center;">CONDITIONS OF CONTRACT</p>			<p style="text-align: center;">May be decided after finalization of SBD.</p>