

Government of West Bengal
Public Works Department
Works Branch
Nabanna, Howrah

No.178-W(C)/1M-23/15

Date: 09.03.2017

NOTIFICATION

Sub: Amendment of Rule 220 of PWD Code regarding post-tender negotiation.

As per extant Rule 220 of PWD Code, "Once the tenders are opened, no tenderer should be allowed to offer fresh quotations unless each of the tenderers is given equal opportunity. In such a case to give equal opportunity to all the tenderers, where time permits fresh tenders may be invited so as to leave no room for any complaint or grievance whatsoever. If, however, there is no time for re-tendering, a bid on the spot among all the tenderers will be the best method to distribute the work without loss of time and on a really competitive basis." But as per Circular No.01/01/10 dated 20.01.2010 of Central Vigilance Commission, "There should normally be no post tender negotiations. If at all negotiations are warranted under exceptional circumstances, then it can be with L1 (Lowest tenderer) only if the tender pertains to the award of work/supply orders etc. where the Government or the Government Company has to make payment. However, if the tender is for sale of material by the Government or the Govt. Company, the post tender negotiations are not to be held except with H1 (i.e., Highest tenderer) if required."

The matter has been under active consideration of the State Government for some time in the recent past. It is felt that post-tender off-line bid on the spot among all the tenderers could often be a source of corruption.

After careful consideration of the matter, the undersigned is directed by the order of the Governor to say that in order to bring more transparency in respect of bidding process, the Governor is pleased to make the following amendment in the Public Works Department Code:


AMENDMENT

Extant Rule 220 of PWD Code	Amendment of Rule 220 of PWD Code
Once the tenders are opened, no tenderer should be allowed to offer fresh quotations unless each of the tenderers is given equal opportunity. In such a case to give equal opportunity to all the tenderers, where time permits fresh tenders may be invited so as to leave no room for any complaint or grievance whatsoever. If, however, there is no time for re-tendering, a bid on the spot among all the tenderers will be the best method to distribute the work without loss of time and on a really competitive basis. It will be within the competence of the competent Engineer Officer of the Directorate to accept the lowest bid in such cases without any further reference to Government, provided that the lowest bid remains within the estimated amount of the work or within an excess of 5 percent of the estimated amount.	There should normally be no post tender negotiations. If at all negotiations are warranted under exceptional circumstances, then it can be with L1, (Lowest tenderer) only, if the tender pertains to the award of work/supply orders etc. where the Government or the Government Company has to make payment. It will be within the competence of the competent Engineer Officer of the Directorate to accept the lowest bid, in such cases, without any further reference to Government, provided that the lowest bid remains within the estimated amount of the work or within an excess of 5 percent of the estimated amount. However, if the tender is for sale of material by the Government or the Govt. Company, the post tender negotiations are not to be held except with H1 (i.e., Highest tenderer) if required.

This order is issued with the concurrence of the Finance Department, Group T vide their U.O. No.Group T/2016-2017/0863 dated 01.03.2017.

This order will take immediate effect.

All concerned are being informed.


9/3/2017
(Indevar Pandey)
Principal Secretary
Public Works Department

No.178/1(200)-W(C)/1M-23/15

Date: 09.03.2017

Copy forwarded for information and necessary action to:-

1. The Principal Accountant General (A&E), West Bengal.
2. The Finance Department, Group-'T'.
3. The Finance (Budget) Department.
4. The Additional Chief Secretary/ Principal Secretary/ Secretary,----- Department.
(All)
5. The Divisional Commissioner, Jalpaiguri/Burdwan/Presidency Division.
6. The District Magistrate, _____ (all districts).
7. The Engineer-in-Chief & Ex-Officio Secretary, PWD.
8. The Chief Engineer(All), P.W.Directorate /P.W.(Roads) Wing / Social Sector / Electrical, PWD.
9. The Superintending Engineer(All), P.W.Directorate /P.W.(Roads) Wing / Social Sector / Electrical, PWD.
10. The Financial Adviser, PWD.
11. The Technical Secretary, P.W.Department.
He is requested to take necessary steps to amend the PWD Code accordingly.
12. The Executive Engineer(All), P.W.Directorate /P.W.(Roads) Wing / Social Sector / Electrical, PWD.
13. The Executive Engineer, Kolkata IT Division, PWD.
He is requested to upload the Notification in PWD website.

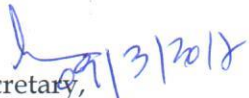

Joint Secretary,
Public Works Department.

No.178/2(4)-W(C)/1M-23/15

Dated: 09.03.2017

Copy forwarded for information to:-

- 1) The Principal Secretary to the Hon'ble Chief Minister, West Bengal.
- 2) The P.S. to Hon'ble M.I.C., Public Works Department.
- 3) The Senior P.S. to the Chief Secretary to the Government of West Bengal.
- 4) The Sr.Pr.S. to the Principal Secretary, PWD.


Joint Secretary,
Public Works Department.