



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhavan, 1st Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700 091

No. 03(W)/2015-16

Dated, 18th November, 2015

Memorandum

Finance Department, Government of West Bengal has introduced various modifications and amendments in the WBFR and DFPR during the last few years. Almost all such Notifications & Memorandums are uploaded in the official website of Finance Department www.wbfin.nic.in.

It is obligatory on the part of all State Govt. Departments to follow those during floating of tenders and Department specific orders are not always mandatory.

However, clarifications have been sought from various quarters in the Irrigation & Waterways Directorate for some time past regarding procedure of e-Tender, tender acceptance and contracts issued by the Finance Department vis-à-vis I&W Departmental Notifications for standardised 'NIT' format for e-tendering bearing Nos. 139(8)-IB dated 29.08.2014 and No. 24(8)-IB, dated 07.5.2014 read with Memo No.306-IB dated 11.12.2014. Clarifications on major points vis-à-vis deviations considered by the Finance Department in matters relating to tendering process are stated here under below:

Clarification on e-Tender of works and material purchase by e-Quotation, tender acceptance and contract

1. It is mandatory to publish all NIT/e-NIT/e-NIQ in the centralised e-tender portal <http://wbtenders.gov.in> and also on Departmental website www.wbiwd.gov.in. Open tender for supply of articles or stores or for execution of works shall be invited in the following manner:

Sl. No.	Item	Manner of Tender
i.	For supply of articles or stores or for execution of works and services with estimated value exceeding ₹ 10,000.00 upto ₹ 1.00 lakh.	Publication of the work on the notice board and on the official website of Department www.wbiwd.gov.in – off-line tender
ii.	For supply of articles or stores or for execution of works and services with estimated value exceeding ₹ 1.00 lakh upto ₹ 5.00 lakh.	Publication of the work on the notice board and on the website www.wbiwd.gov.in , and also a brief referral advertisement in one daily Bengali newspaper (in case of hill areas of Darjeeling District in Nepali newspaper).-off-line tender
iii.	For supply of articles or stores or for execution of works and services with estimated value exceeding ₹ 5.00 lakh upto ₹ 10.00 lakh.	Publication of the work in the centralised e-tender portal http://wbtenders.gov.in on the office notice boards and on the website www.wbiwd.gov.in , and also brief referral

		advertisement in two daily newspapers, one in Bengali (in case of hill areas of Darjeeling District in Nepali newspaper) and the other in English to be simultaneous on the same day.
iv.	For supply of articles or stores or for execution of works and services with estimated value exceeding ₹ 10.00 lakh.	Publication of the work on the notice board and on the website www.wbiwd.gov.in , and also in the official website of Government of West Bengal e-tender portal http://wbtenders.gov.in , and also brief referral advertisement in three daily newspapers, one each in Bengali (in case of hill areas of Darjeeling District in Nepali newspaper) in English and Hindi to be ensured simultaneously on the same day.
Explanation: Brief referral advertisement will contain only certain title information such name and location of the scheme, last date for submission of tender, names of the websites where details are available.		

The Tender Inviting Authority is permitted to issue advertisements directly to the newspapers having sufficient circulation for the said purpose of procurements, wherever necessary, at the rates approved by the Information & Cultural Affairs Department, Government of West Bengal.

- Purchase up to ₹ 10,000.00 may be made without any tender or quotation as per guidelines. The purchasing authority shall certify that the purchase has been made at reasonable market price in cases of purchase from the open market without tender/quotation.

Purchase above ₹ 10,000.00 and up to ₹ 1.00 lakh shall be made after inviting off-line quotations from at least four reliable firms, which shall be opened in presence of willing agents.

In such cases of purchase by invitation of quotation, procurement shall be finalized on recommendation of Local Purchase Committee to be constituted in each Circle office.

Procurement of materials/service can be undertaken through Limited Tender Inquiry (LTI) to be issued to the supplier who are registered / empanelled with the Circle office inviting them to offer their prices. In such case of tender, copies of the bidding document should be sent, free of cost, directly by speed post/ registered post / courier / e-mail, simultaneously to all the registered suppliers for the materials/ service in question. The number of supplier firms in LTI should be more than three. Efforts should be made to identify a higher number of approved suppliers to obtain more responsive bids on competitive basis. Website publicity should also be given for LTI. The lowest bid / price should be accepted in such cases of LTI.

Purchase through LTI may be adopted upto the estimated value of the procurement of ₹ 10.00 lakh, with concurrence of Financial Advisor of the Department.

Procurement from a single source may be restored in case of approval of Financial Advisor and head of the department in case of extreme urgency/natural calamity.

3. Open tender without any reservation shall invariably be invited for the supply of articles or stores or for execution of works and service worth ₹ 1.00 lakh or more.
All works above ₹ 5.00 lakh for which e-tender is mandatory shall be awarded through open tender without any reservation for any particular Class of Contractors/Bidders.
For high-value purchase exceeding ₹ 10.00 lakh or for purchasing plant, machinery etc. of complex and technical nature, bids may be invited in two parts under two-bid system.
Selection of agency should be made on the basis of at least three valid tenders, which shall be opened in presence of willing agents.
If the number of e-tenders received is less than three, e-tender should be invited afresh, after cancellation of 1st Tender.
In case of invitation of e-tender under two-bid system, if the number of tenderers/bidders qualified in the technical bid is less than three, e-tender should be invited afresh.
4. Entire set if e-Tender document should be made available free of cost through the State Government e-tender portal, namely, <http://wbtenders.gov.in> and Department website www.wbiwd.gov.in. Even for works valued below the base level of e-tender, tender documents should be made available free of cost in the Department website www.wbiwd.gov.in. Even for execution of formal Tender Agreement, documents should be made available free of cost to the L1 bidder.
5. Notices for open off-line tenders for works each below ₹ 5.00 lakh shall include such clauses as may be prescribed by the Department by Notification from time to time. Tenders below ₹ 5.00 lakh are to be floated in single bid system.
6. The lowest tender for all works should be accepted as a rule. If for any reason the lowest tender is not accepted reference to be made to the Finance Department through this Department for decision as to which of the contractors the work should be given.
- i. Selection of contractor/bidder should be made on the basis of at least three valid e-tenders, which shall be opened in presence of willing agents. If the number of e-tenders received is less than three, e-tender should be invited afresh.
- ii. Maximum 5 % excess of 'Tender Value' (Amount put to tender) may be accepted by the Tender Accepting Authority subject to the overall power of tender acceptance delegated to each level of engineer officers as mentioned in the Departmental Delegation of Financial Powers (DFPR) G.O under revision, and the tendered value is within the administratively approved cost and valid tenders should not be less than three.
- iii. Above 5% and up to 10% of the Tender Value can be accepted by the Government appointed Tender Committee subject to the condition to be fulfilled as mentioned in the Department all DFPR which is being revised and valid tenders should not be less than three.
- iv. For acceptance of tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the Government appointed Tender Committee as mentioned at para (ii) above, with that of the Department shall have to be sent to the Finance Department.
- v. If the response to Tender (including e-Tender & tenders under two-bid system) is less than three, then Tender should be invited afresh. Such Re-Tender notice shall be published in widely circulated dailies

for conventional Notice Inviting Tenders (NIT) and also through e-Tender portal in case of e-Tender. Prior to invitation of Re-Tender / fresh Tender, the eligibility criteria and other terms and conditions as contained in the first 'Notice Inviting Tender' shall have to be reviewed by the Tender Inviting Authority to ascertain whether (i) it was too much restrictive, say, specifications and qualifications were fixed at higher standard than required, (ii) advertisements in the widely circulated Newspapers were properly published and (iii) other related procedural matters were observed in its entirety.

- vi. Even if, after taking appropriate steps, the response to the Re-Tender is less than three, that tender may be accepted without reference to the Finance Department, provided the rates do not exceed the schedule rates (SoR) beyond 5% in case of works and within the overall administratively approved cost. Otherwise, such cases should be referred to the Finance Department for decision enclosing recommendation by the Govt. approved Tender Committee and filled up copy of 'Tender Register' in the prescribed proforma.
- vii. If there is any scope of lowering down of rates in the opinion of the Tender Accepting Authority, all bidders to be notified on-line to attend sealed bid on predetermined time and date held at the office of Tender Accepting Authority. Open bid is normally discarded to ensure confidentiality and transparency. However in extraordinary situations, if in the opinion of the Tender Accepting Authority the rate of L1 is high and there is a scope for lowering, only L1 bidder may be requested to attend open bid only to further lower down the rate on predetermined time and date.
7. EMD/Bid security shall be collected only as soft copy (scanned copies of the originals) for instruments (Cheque/Bank Draft/ Bank Guarantee etc.) in the e-tender, but in case of deposit of money it should compulsorily be deposited on-line by the bidders. In case of e-tendering, the procedure for depositing of Earnest Money Deposit/Bid Security on-line by the bidders/tenderer is being developed which would be implemented shortly.

Only the L1 bidder shall submit the hard copy of the EMD to the Tender Inviting Authority with his acceptance of Letter of Invitation (LOI). Failure to submit the hard copy with the acceptance letter of LOI within the time period prescribed for the purpose may be construed as an attempt to disturb the tendering process and dealt with accordingly legally including blacklisting of the bidder.

8. Labour Co-operative Societies have been exempted from payment of EMD against all tenders of the State Government. These societies, if selected through open tenders will have to furnish requisite Security Deposit for performance of the work. Revisions and amendments made in the WBFR & DFPR 1977 from time to time by the Finance Department are binding and in case of any ambiguity the same should be brought immediately to the notice of this Department.

The constitution of Department Tender Committees (DTC) and its functions including procedural modalities mentioned in this Department No. 01-IWB dated 19.07.2012 is being modified separately.

I&W Departmental code would be amended accordingly in due course.

Sdf
(K. Chattopadhyay)
Secretary to the
Government of West Bengal

Memo No. 246 (2) - IB
IW/O/IB-Misc-38/2011

Dated, 18th November, 2015

Copy forwarded for information to

1. PA to Principal Secretary
Irrigation & Waterways Department
2. PA to Financial Advisor & Secretary
Irrigation & Waterways Department

Sd/-
(A. Ghosh)
Deputy Secretary to the
Government of West Bengal

Memo No. 246/1(10) - IB
IW/O/IB-Misc-38/2011

Dated, 18th November, 2015

Copy forwarded for information to:

1. All Chief Engineers'
Irrigation & Waterways Directorate
2. All Superintending Engineers'
Irrigation & Waterways Directorate
3. All Executive Engineers'
Irrigation & Waterways Directorate
4. All Assistant Engineers'
Irrigation & Waterways Directorate
5. Registrar
Irrigation & Waterways Department
6. Treasury Officer / PAO, Kolkata
Irrigation & Waterways Directorate
7. DTA, West Bengal
Irrigation & Waterways Directorate
8. Finance (Audit) Department, Group-T
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road
Howrah 711 102
- ✓ 9. Executive Engineer
DVC Study Cell & Nodal Officer, e-Tender & e-Governance
Irrigation & Waterways Directorate

With a request to upload this order in the Departmental website, www.wbiwd.gov.in.

10. Executive Engineer
Investigation & Planning Circle-I
Irrigation & Waterways Directorate
Nodal Officer, e-Tender
Irrigation & Waterways Directorate

A. Ghosh
(A. Ghosh) 18.11.2015
Deputy Secretary to the
Government of West Bengal