

OFFICE OF THE COMMISSIONER OF MUNICIPAL ADMINISTRATION,
CHEPAUK, CHENNAI-600 005.

Roc.No. 26134 /2011/E3,

Dated:22.07.2011

CIRCULAR

Sub: Publication of tenders -e-tendering-certain instructions issued - regarding.

Ref: 1. E-tender notifications appeared in Govt. portal on 8/6 and 9/6.
2. The Tamil Nadu Transparency in Tenders Act/Rules
3. G.O.Ms.No.392, Finance (Salaries) Department, dated 18.08.2009.
4. G.O.Ms.No.177, Finance (Salaries) Department, dated 22.05.2007
5. G.O.Ms.No.599, Finance (Salaries) Department, dated 28.12.2007

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The attention of the Corporation Commissioners, Regional Directors of Municipal Administration Municipal Commissioners/Executive Officers is invited to the provisions in the Transparency in Tenders act /Rules with respect to publication of notice inviting tenders in news papers, e-tendering etc.

2) Complaints have been received that certain tender notifications appeared in the e-tendering notices in the portal for Government tenders in <http://tntenders.gov.in> do not adhere to the minimum time gap as per provisions in the Transparency in Tenders Act/Rules. For example, in Ambur Municipality tender has been published (e-published) on 08.06.2011 at 2.20pm and the date of submission has been fixed on 09.06.2011 at 3.00 pm and the opening at 3.30pm on 09.06.2011. Similar cases have been reported in various ULB's, this is a gross violation of the rules.

It is obvious that within one day prospective tenderers would not be able to fill up and upload their documents as no reasonable time is given. This is in total violation of the provisions of the Transparency in Tenders Act/Rules which is given under clause 20 (1) of TT rules 2000. Only after the tender document is ready, the tenders should be published / advertised. Within a day of publication, the tender documents shall be uploaded in the website and made available to the respective tenderers.

3) As per provision of Transparency in Tender Act /Rules, 15 days tenders response time shall be given for tenders with value up to Rs. 2 crore, 30 days time shall be given. In the same clause under 20 (2), the rule specifies that any reduction in time limit, has to be authorized by an authority superior to the Tender Inviting Authority for reasons to be recorded in writing. Even in such cases reasonable time shall be given to the bidders.

4) In the above cases, it appears that no rules as mentioned above have been followed. Hence, all the Officers are directed to strictly adhere to the Transparency in Tenders Act/Rules without fail. Further,

- a) Publication of tender bulletin at District Level or at State level as the case may be shall be ensured. As per section 8 and 9 of the Tamil Nadu Transparency in Tender Rules, 2000, the tender document shall be published in the District / State Tender Bulletin as detailed.

Estimated Amount	Nature of Publication
Rs. 5 lakh - Rs. 25 lakh	District Tender Bulletin
More than Rs. 25 lakh	State Tender Bulletin
More than Rs. 50 crore	Indian Trade Journal (ITJ) in addition to state tender bulletin.

- b) Advertisements should be released to news papers as per the following guidelines issued in GO.No.392, Finance (Salaries) Department, dated 18.08.2009 (under section 3) as given detailed below:

Construction:		
Sl. No	Estimated Value of Work	Number of Dailies and Editions in which advertisements are to be issued.
a	Rs. 25 lakhs to Rs.1 crore	Advertisements in Two Tamil Dailies (District - level editions only)
b	Above Rs. 1 crore to Rs. 5 crores	Advertisement in Two Tamil Dailies (All editions in Tamil Nadu)
c	Above Rs. 50 crores	Advertisements in Two English dailies, one being a Business Daily (All India edition) and one Tamil Daily (All editions in Tamil Nadu) and Indian Trade Journal.

All other categories of procurement inclusive of materials, equipments, food items and consultancies for construction, etc		
Sl. No.	Estimated Value of Procurement	Number of Dailies and Editions in which advertisements are to be issued.
a)	Rs. 10 lakhs to Rs.50 lakhs	Advertisements in Two Tamil Dailies (All editions in Tamil Nadu)
b)	Above Rs. 50 lakhs to Rs. 50 crores	Advertisement in One English Daily (All India edition) and One Tamil Daily (All editions in Tamil Nadu)
c)	Above Rs. 50 crores	Advertisements in Two English dailies, one being a Business Daily (All India edition) and one Tamil Daily (All editions in Tamil Nadu) and Indian Trade Journal.

The tender inviting authorities should publish the advertisement through Director of Information and Public Relations (DIPR) for publishing the tender notice in newspaper. **The request letter, should clearly specify the size of the advertisement as detailed below.** If the size of the published advertisement is over and above the specified size payment should be restricted to the approved size (as per the Government Order No.392, Finance (Salaries) Department, dated 18.08.2009. In the newspapers advertisement only the essential information need be given and e-tender website link (where the full) details of the proposed work is hosted shall be published).

Sl. No	Value of Tender	Maximum Size of advertisement in the News Paper
1.	Procurement up to Rs. 5 crore	50 sq.cm.
2.	Procurement up to Rs. 5 crore to Rs.50 crore	100 sq.cm.
3.	Procurement above Rs. 50 crore	No size restriction. But tender inviting authorities may, as far as possible, restrict the same to 100 sq.cm.

- c) In the case of international competitive biddings, it would be open for the tender inviting authority to give additional advertisements in more number of newspaper.
- d) In case of procurement under externally funded projects, if the norms insisted upon by the funding agency require publication in more number of newspapers or a bigger size for the tender notice, the same is permissible.
- e) As per G.O.No.392, Finance (Salaries) Department, Dated 18.08.2009 the **Low Value Procurements** is as detailed below,

Nature of Procurement	Value
For construction	Less than Rs. 25 lakh
All other categories of procurement inclusive of consultancies for construction	Less than Rs. 10 Lakh

- f) Publication of the tender notices also be published in the dedicated government website(s) for tenders in accordance with rules already in force. All tender notices shall include the web address of this dedicated website, and e-procurement website <http://tntenders.gov.in>, apart from circulation to the registered Contractors and Potential bidders to attract more competition.

5) E- Tender As per the G.O.Ms.No.177, Finance (Salaries) Department, dated 22.05.2007 and G.O.No.599, Finance (Salaries) Department, dated 28.12.2007 in respect of procurement where the estimate value of procurement is Rupees Ten Lakhs and above, the tender document shall be resorted to e- tendering through the National Information Centre. However in order enhance transparency and increase competition, even lower tender were asked to be floated through e- tendering.

6) Copies of the relevant Tender Act/Rules/G.Os have been hosted in http://www.tn.gov.in/cma/tender_rules.html in the Acts/Rules and Document Section of the Commissionrate of Municipal Administration website for perusal and download.

7) This circular must be served on all Engineers and all officials dealing with tenders and procurement acknowledgement obtained. *Violation of Tender procedures will attract severe disciplinary action on all concerned.*

8) The receipt of this circular should be acknowledged.

Sd/-P.Senthilkumar

Commissioner of Municipal Administration

To

All Corporation Commissioners
All Regional Directors of Municipal Administration,
(With request to ensure compliance and close monitoring)
All Municipal Commissioners / Executive Officers.


Copy to: All Officers /Engineers of this office.

ITS for hosting in the website

WS/UGSS sections

E3 /DO-III for stock file

//Forwarded by Order//


26/07/11
SUPERINTENDENT
