



GOVERNMENT OF KERALA

Abstract

Execution of public works-Acceptance of single bid – detailed guidelines – Issued.

FINANCE (IND & PW-B) DEPARTMENT

G.O (P) No.324/2015/Fin Dated, Thiruvananthapuram 30.07.2015

- Read: 1. G.O (P) No .36/2013/P WD dated 12.04.2013.
2. Circular No .16846/E2/12/PWD dated 01.08.2012.
3. G.O(Ms) No .13/2015/ITD dated 12/05/2015.

ORDER

In Government Orders referred to above, orders were issued adopting CPWD and MORTH guidelines for preparation of estimates of public works. In the Circular second cited, detailed guidelines have been issued to process proposals being considered by Government Tender Committee.

2. The CVC guidelines prescribe that single tenders shall not normally be accepted for the first time, and the same can be considered for acceptance only in emergent situations that too subject to recording of detailed justifications in support of acceptance with the approval of competent authority. It has been observed that some of the Government departments/PSUs are accepting single tenders without observing prescribed procedures.

3. The cannons of financial propriety and public policy demand that single tender shall not be accepted first time as no price discovery happens due to absence of competition. Furthermore, defective tender conditions or inadequate publicity can also result in single tenders.

A common reason for single tender might be the restrictive specifications which do not permit multiple vendors to participate. Therefore, all Government Departments/Agencies/PSUs are hereby directed to ensure that tenders floated by them shall not contain any restrictive specifications. They shall also ensure that adequate publicity is given for all public procurements.

4. In order to streamline the procedure on acceptance of single tender/bids for public works, the following guidelines are issued with immediate effect:

(a) Definition of single tender: The terms "tender" and "bid" are used interchangeably in the context of public procurement. Consequent to invitation of tenders, if only one bid is received or only one bid is found eligible after technical evaluation, such a bid shall be termed as a single tender/bid.

(b) Opening of single bids:

- i. If a single bid is received during the first invitation, authority inviting the bid shall not open the bid. The authority may either opt to re-tender the work or extend the last date for acceptance by 15 working days to elicit response of other prospective bidders. The last date for acceptance of the bid will be automatically extended by 15 working days by default if single response is received, unless specified otherwise in advance by the tender inviting authority.
- ii. If any response(s) is/are received during the extended period then, the bids may be evaluated taking the earlier bid and subsequent bids

- iii. However, if no bid is received during the extended time, then re-tender shall be resorted to. However, in doing so, the single bid received earlier shall not be opened.
- iv. NIC shall make necessary changes in the e-tender portal to facilitate the above processes.

(c) Acceptance of single bid below estimate rate:

Since different Government Departments/Agencies/PSUs do not follow uniform pattern in the preparation of estimates, a single bid received even below estimate rate need not reflect market price in the absence of competition. Hence, single bid at the estimate rate or below ER shall also not normally be accepted during the first invitation.

(d) Second or subsequent invitation of tenders (Re-tendering):

- i. Before re-tendering, the Tender Inviting Authority shall analyse the possible cause(s) for not receiving sufficient number of bids and thoroughly verify the tender conditions to rule out any restrictive clauses/conditions in the original tender document.
- ii. The tender inviting authority should ensure that adequate publicity is given for re-tender and prospective bidders may be alerted through both e-mail and SMS.
- iii. When re-tendering is done, the bid submission period may be cut short to ten working days. Single bid in a re-tender can be accepted keeping in view the CVC guidelines and instructions issued by Government from time to time.
- iv. However, a single bid during re-tender shall be accepted only with the approval of Committee of Secretaries/

Government Tender Committee or a Committee headed by the Head of the Department/Institution, with Finance Officer (or equivalent) and the Tender Inviting Authority as members, as per delegation of tender acceptance inforce.

v. The Committee, while taking final decision on such tenders/bids, must keep in mind the basic objective, which is to ensure fair and adequate competition for price discovery and efficient execution.

5. No single tender shall be accepted unless it is processed through the State's e-procurement portal.

6. All tenders for amounts of Rs.5 lakh and above shall be procured only through the electronic procurement system.

7. Any conflicting provisions contrary to the above, including those instructions issued by other Government departments/PSUs/Boards will not be valid from the date specified in this order.

8. The above guidelines will take effect from 1st August 2015 onwards.

**By Order of the Governor
DR.K.M.ABRAHAM**

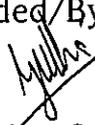
Additional Chief Secretary (Finance)

To

The Accountant General (A&E) Kerala, Thiruvananthapuram
The Accountant General (G&SSA) Kerala, Thiruvananthapuram
The Accountant General (E&RSA) Kerala, Thiruvananthapuram
All Heads of Departments and Offices
All Departments of Secretariat
All Private Secretaries to Ministers
Private Secretary to Chief Minister
Private Secretary to the Leader of Opposition
All Secretaries to Government

The Secretary, Kerala Public Service Commission,
Thiruvananthapuram
The Registrar, University of Kerala/Cochin/Kozhikode/Kottayam
(with C/L)
The Registrar, High Court of Kerala
The Secretary, Kerala Human Rights Commission,
Thiruvananthapuram
The Managing Director, Kerala State Transport Corporation,
Thiruvananthapuram (with C/L)
The Secretary, Kerala State Electricity Board,
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