

**WBNUJS PROCUREMENT OF GOODS AND SERVICES**  
**REGULATIONS 2017**

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# WBNUJS PROCUREMENT OF GOODS AND SERVICES REGULATIONS 2017

*Whereas it may be necessary to consolidate and rationalize the existing regulations and practices on procurement of goods and services in behalf of the University so as to ensure efficiency, transparency and fairness in the procurement processes, the following regulations are hereby adopted.*

## **CHAPTER – I    PRELIMINARIES**

### **Regulation 1. Title and Commencement**

- (1) These regulations shall be called WBNUJS Procurement of Goods and Services Regulations 2017.
- (2) These regulations shall come into effect on such date as may be notified by the University.

### **Regulation 2. Definitions**

- (1) “NUJS” means the West Bengal National University of Juridical Sciences.
- (2) “Vice Chancellor” means the Vice chancellor of NUJS, as defined in Section 12 of WBNUJS Act.
- (3) “Executive Council” means the Executive Council of NUJS, as defined in Section 8 of WBNUJS Act.
- (4) “Finance Committee” means the Finance committee of NUJS, as defined in Section 8 of WBNUJS Act.
- (5) “Registrar” means the Registrar of the NUJS, as defined in Section 12 of WBNUJS Act.
- (6) “University” means the NUJS.
- (7) “User” means such persons who use or are likely to use any particular services or goods or gadgets procured or being procured by the University and includes such employees as responsible for maintenance or monitoring such services, goods or gadgets.
- (8) “Goods” includes all articles, material, commodities, livestock, furniture, fixtures, all materials, spares, instruments, plants, machinery, equipment, etc. purchased or otherwise acquired for the use of the University but excludes books, publications, periodicals, etc. for a library.
- (9) “Consultants” includes Vendor, Service Provider.
- (10) “Value” means, unless the context otherwise requires, the estimated value.

- (11) “Services” means any activity carried out by a person for the University for its consideration and includes, is not restricted to, the following :
- (a) Annual Maintenance Contract (AMC)
  - (b) Supply of Security personnel
  - (c) Supply of Housekeeping Staff
  - (d) Pest Control
  - (e) Local Transportation Services
  - (f) Travel & Ticketing Services
  - (g) Campus / Infrastructure Maintenance Services
  - (h) IT enabled Services
  - (i) Printing and Photocopy Services

Explanation: The Services shall not however include “Works” as defined under appropriate Regulations.

### **Regulation 3. Fundamental Principles of Procurement**

- (1) The Vice Chancellor / Registrar delegated with the financial powers of procuring goods / Services for the University shall strive to bring efficiency, economy, transparency in matters relating to such procurement and for fair and equitable treatment of suppliers and promotion of competition.
- (2) Without prejudice to the interest of the University, the procedure to be followed in making procurement for the University shall endeavour to conform to the following yardsticks :-
  - (a) the specifications in terms of quality, type etc., as also quantity of goods to be procured, should be clearly spelt out keeping in view the specific needs of NUJS. The specifications so worked out should meet the basic needs of NUJS without resulting in unwarranted expenditures. Care should also be taken to avoid unnecessary purchases;
  - (b) offers should be invited following a fair, transparent and reasonable procedure;
  - (c) the Procurement Committee should be satisfied that the selected offer adequately meets the requirement;
  - (d) the Procurement Committee should satisfy itself that the price of the selected offer is reasonable and consistent with the quality required;
  - (e) at each stage of procurement the concerned procuring authority must place on record, in precise terms, the considerations which weighed with it while taking the procurement decision;
  - (f) efforts should be made to identify more number of vendors / suppliers so as to obtain more bids on competitive basis.

## **CHAPTER – II AUTHORITIES**

### **Regulation 4. Authority to Sanction Procurement of Goods and Services:**

- (1) Notwithstanding anything contained in any other regulation relating to financial matters, the Vice Chancellor shall have the authority to sanction any procurement of goods and services of a value not exceeding Rupees five lakhs. Provided all such sanction exceeding Rupees one lakh shall be placed in the next meeting of the Finance Committee for its ratification.
- (2) The Finance Committee shall have the authority to sanction any procurement of goods and services above Rupees five lakhs.

### **Regulation 5. Constitution, Composition and Term of the Procurement Committee**

- (1) There shall be a Procurement Committee of the University for the purpose of recommending and overseeing administrative aspects of procurement of goods and services for the University.
- (2) The Vice -Chancellor shall constitute the Procurement Committee.
- (3) The Committee shall comprise of :
  - a) a Chairperson from amongst the Officers of the University;
  - b) Two members from the Faculty; and
  - c) Two members from the Administration, one of whom shall be the Member Secretary,
- (4) Three members, amongst whom at-least one shall be the member of the faculty, shall be necessary to form the quorum for the Committee.
- (5) The term of the procurement committee shall ordinarily be for one year unless the Vice-Chancellor decides otherwise.

### **Regulation 6. Functions of the Procurement Committee**

- (1) The Procurement Committee shall have the responsibility for overseeing procurement of goods and services and outsourcing of services. Without prejudice to the generality of the preceding sentence, the functions of the Procurement Committee shall include :
  - (a) Finalization of Tender Documents
  - (b) Procurement of Goods
  - (c) Procurement of Services
  - (d) Preparation of requests for Proposals
  - (e) Identification of relevant specifications
  - (f) Submission of relevant certifications
  - (g) Selection of Vendors / firms /bidders / consultants / service providers, etc.
  - (h) Drafting of Purchase Orders / MOU / Tender Documents, etc.
  - (i) Conduct of Formal or informal inquiry for identification of vendors, etc.
  - (j) Drafting of any other document as deemed fit by the Procurement Committee
  - (k) Any other related matter as the Procurement Committee may deem fit.

- (2) Unless there are compelling reasons to be recorded in writing, for direct procurement, all procurement under these Regulations shall be carried out on the basis of the recommendation of the Procurement Committee.

### **CHAPTER III - PROCUREMENT OF GOODS**

#### **Regulation 7. Procurement of goods without quotation**

- (1) Purchase of goods upto the value of Rs. 15,000/- (Rupees Fifteen Thousand) only on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by such person as authorized by the Procurement Committee in the following format.

“I, \_\_\_\_\_, am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from a reliable supplier at a reasonable price.”

- (2) The Procurement Committee may also authorize online purchase through reputed online portals. In all such cases the Procurement Committee shall authorize a University staff to make the requisite purchase through his account and the university shall provide reimbursement on submission of bills and a certificate in the following format.

“I, \_\_\_\_\_, am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from \_\_\_\_\_, after comparison with prices and specifications offered by at least two other online portals.”

#### **Regulation 8. Purchase of goods by Procurement Committee**

- (1) Purchase of goods costing above Rs. 15,000/- (Rupees Fifteen Thousand) only and upto Rs. 1,00,000/- (Rupees One lakh) only, on each occasion, may be made on the recommendations of the Procurement Committee. Three persons, including at least one member of the Procurement Committee, as authorized by the Chairperson shall survey the market to ascertain the reasonableness of rate, quality and specifications and identify the appropriate supplier. Before recommending the purchase, the three persons shall jointly record a certificate as under.

“Certified that we \_\_\_\_\_, are jointly and individually satisfied that the goods recommended for purchase are of the requisite specification and quality, priced at the prevailing market rate and the supplier recommended is reliable and competent to supply the goods in question.”

- (2) The Procurement Committee may also authorize online purchase through reputed online portals. In all such cases the Procurement Committee shall authorize a team of three persons, including at least one member of the Procurement Committee, as authorized by the Chairperson, to carry out a survey of at least three reputed online

portals to ascertain the reasonableness of rate, quality and specifications and identify the appropriate portal for making the purchase. One of the members of this team shall make the requisite purchase through his account and the university shall provide reimbursement on submission of bills and a certificate in the following format.

“Certified that we, \_\_\_\_\_, are jointly and individually satisfied that these goods purchased are of the requisite quality and specification and have been purchased from ....., after comparison with prices and specifications offered by at least two other online portals.”

### **Regulation 9. Procurement of Goods and Services directly under Rate Contract**

For reasons to be recorded in writing, the Procurement Committee, may decide to directly procure goods, that are rate contracted by DGS&D / National Informatics Centre / Purchase organization authorized by the State or Central Government to fix rate contracts, from a supplier duly registered / enlisted with that organization. This power shall be available only for procurement not exceeding Rs. 25 lakhs in value of a single procurement order. In case of such procurement, the prices to be paid for such goods shall not exceed those stipulated in the rate contract and the other salient terms and conditions of the purchase should be in line with those specified in the rate contract. The University shall make its own arrangement for inspection and testing of such goods where required.

### **Regulation 10. Purchase of goods by obtaining bids**

Subject to the preceding regulations, the University shall procure goods by following the standard method of obtaining bids:

- a) Advertised Tender Enquiry;
- b) Limited Tender Enquiry;
- c) Single Tender Enquiry.

### **Regulation 11. Advertised Tender Enquiry**

- (1) Unless otherwise provided under these regulations, invitation to tenders by advertisement shall be used for procurement of goods of estimated value exceeding Rs. 25 lakh (Rupees Twenty Five Lakh). Advertisement in such case shall be given in the Indian Trade Journal (ITJ), published by the Director General of Commercial Intelligence and Statistics, Kolkata, in at least one national daily having wide circulation, and also on the University web site.
- (2) Ordinarily, the minimum time to be allowed for submission of bids should be three weeks from the date of publication of the tender notice. Where the University also contemplates obtaining bids from abroad, the minimum period should be kept as four weeks for both domestic and foreign bidders.

- (3) The process of advertised tender enquiry may be adopted, on recommendation of the Procurement Committee, for tender of value of less than Rupees 25 lakhs also. Where the tender value is less than Rs. 5 lakhs, the time for submission of bids may be at least seven days. Where the tender value is less than Rs. 25 lakhs, the time for bids may be at least fourteen days.
- (4) For all advertised tender value exceeding Rupees 5 lakhs, e-tendering through the centralized e-tender portal of the central or state government shall be complied with.

### **Regulation 12. Limited Tender Enquiry**

- (1) This method may be adopted when estimated value of the goods to be procured is up to Rupees Twenty- five Lakhs. Copies of the bidding document should be sent directly by speed post/registered post/courier/ e-mail to firms which are empanelled by the University or are registered with DGS&D or any Purchase organization authorized by the State or Central Government. The number of supplier firms in Limited Tender Enquiry should be at least three. Further, web based publicity should be given for limited tenders.
- (2) At least fourteen days should be allowed for submission of bids in Limited Tender Enquiry cases
- (3) Purchase through Limited Tender Enquiry may be adopted even where the estimated value of the procurement is more than Rupees Twenty-Five Lakhs, in the following circumstances.
  - (a) The Vice-Chancellor, subject to ratification by the Finance Committee, on recommendation of the Procurement Committee, may direct that the demand is urgent and any additional expenditure involved by not procuring through advertised tender enquiry is justified in view of urgency. The Procurement Committee should also put on record the nature of the urgency and reasons why the procurement could not be anticipated.
  - (b) There are sufficient reasons, to be recorded in writing by the competent authority, indicating that it will not be in the interest of the University to procure the goods through advertised tender enquiry.

### **Regulation 13. Two bid system**

- (1) For procurement of complex and technical nature of Goods and Services, irrespective of value, the Procurement Committee may decide to obtain bids in two parts as under:-
  - (a) Technical bid consisting of all technical details along with commercial terms and conditions; and

- (b) Financial bid indicating item-wise price for the items mentioned in the technical bid.
- (2) The technical bid and the financial bid should be sealed by the bidder in separate covers duly superscribed and both these sealed covers are to be put in a bigger cover which should also be sealed and duly superscribed.
- (3) The technical bids are to be opened by the Procurement Committee at the first instance and evaluated by the Procurement Committee or such other person / Committee as authorised by the Procurement Committee. At the second stage financial bids of only the technically accepted offers should be opened for further evaluation and ranking before awarding the contract.

#### **Regulation 14. Late Bids**

In the case of advertised tender enquiry or limited tender enquiry, late bids (i.e. bids received after the specified date and time for receipt of bids) should not be considered.

#### **Regulation 15. Single Tender Enquiry**

Procurement from a single source may be resorted to in the following circumstances:

- (a) It is in the knowledge of the Procurement Committee that only a particular firm is the manufacturer of the required goods.
- (b) In a case of emergency, the required goods to be purchased from a particular source and the reason for such decision is to be recorded and approval of competent authority obtained.
- (c) For standardisation of machinery or spare parts to be compatible to or in continuity with the existing sets of equipment (on the written advice of user or technical personnel of the University, the required item is to be purchased only from a selected firm).
- (d) In case of procurement of proprietary article (subject to submission of such certificate specified in **Annexure no. 1**)
- (e) On the written advice of user and /or on the recommendation of technical personnel of the University, or in case of purchase of products of reputed brands.

Provided however that except in case of emergency procurement, for any purchase of value exceeding Rs. 5 lakhs, the procurement under this rule shall not be done unless the details of the proposed procurement through single tender enquiry have been uploaded on the website for the comments of the concerned stakeholders within fourteen days from the date of publication of the notice.

### **Regulation 16. Procurement of Goods by Request for Proposals (RFP)**

- (1) Where the estimated cost of procurement of goods is upto Rupees. 5 lakhs, the Procurement Committee may carry out the procurement through issue of request for proposals (RFP) from selected vendors.
- (2) The selected vendors shall be identified by the Procurement Committee on the basis of past procurement by the University or formal or informal enquiries from other Governmental or Non-Governmental Organisations involved in similar activities or any other persons having relevant knowledge or experience in the concerned field.
- (3) Proposal (RFP) shall be sought from at least three vendors. The RFP may also be uploaded on the University website for wide publicity. The vendors shall be given a minimum of seven days to submit their proposals.
- (4) The RFP shall clearly define/describe the scope of procurement and the evaluation criteria.

## **CHAPTER IV PROCUREMENT OF SERVICES**

### **Regulation 17. Procurement of Services by Request for Proposals (RFP)**

- (1) Where the value of procurement of services does not exceed Rupees Twenty-Five Lakhs only, the Procurement Committee may carry out the procurement through issue of request of proposals (RFP) from selected vendors.
- (2) The Selected vendors shall be identified by the Procurement Committee on the basis of past services to the University or formal or informal enquiries from other Governmental or Non-Governmental Organisations involved in similar activities or any other persons having relevant knowledge or experience in the concerned field.
- (3) The proposal (RPF) shall be sought from at least three vendors. The RFP may also be uploaded on the University website for wide publicity. The vendors shall be given a minimum of seven days to submit their proposals.
- (4) The RFP shall clearly define/describe the scope of service and the evaluation criteria.

### **Regulation 18. Procurement of Services of value exceeding Rupees Twenty-Five lakhs**

- (1) Where the value of the service exceeds Rupees Twenty-Five Lakhs, an enquiry for seeking 'Expression of Interest' from consultants shall be published on the University website, the Centralized e-tender portal of the State or Central Government and in at least one daily newspaper. Enquiry for seeking Expression of Interest shall include, in brief, the broad scope of work or service, eligibility and the pre-qualification criteria to be met by the consultant and their past experience in similar services.

- (2) On the basis of responses received from the interested parties as per this rule, the consultants meeting the requirements should be short listed for further consideration. The number of short listed consultants should not be less than three.
- (3) The shortlisted consultants shall be sent a Request For Proposal (RFP). The consultants shall be given a minimum of fourteen days to submit their proposals.
- (4) The RFP shall clearly describe/define the scope of procurement and the evaluation criteria. The RFP should contain:
  - a) A letter of Invitation
  - b) Information to consultants regarding the procedure for submission of proposal.
  - c) Terms of Reference (TOR).
  - d) Eligibility and pre-qualification criteria in case the same has not been ascertained through Enquiry for “Expression of Interest”.
  - e) List of key position whose CV and experience would be evaluated.
  - f) Bid evaluation criteria and selection procedure.
  - g) Standard formats for technical and financial proposal.
  - h) Proposed contract terms.
  - i) Procedure proposed to be followed for midterm review of the progress of the work and review of the final draft report.

### **Regulation 19. Receipt and opening of the Proposals**

The Proposals may be asked for from consultants in Two-Bids System, Technical and Financial Bids sealed separately, wherever the Procurement Committee so decides. On receipt, the technical proposals should be opened first by the Procurement Committee on a specified date, time and place.

### **Regulation 20. Evaluation of Technical Bids**

- (1) The Technical bids shall be analysed and evaluated by a Technical Committee as constituted by the University on the recommendation of the Procurement Committee.
- (2) The Technical Committee shall record, in detail, the reasons for acceptance or rejection of the technical bids.

### **Regulation 21. Evaluation of Financial Bids of the Technically Qualified Bidders**

The Procurement Committee shall open the financial bids of only those bidders who have been declared technically qualified by the Technical Committee.

## **Regulation 22. Consultancy by Nomination**

Under some special circumstances, it may become necessary to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the University. Full justification for single source selection should be recorded in the file by the Procurement Committee before resorting to such single-source selection.

## **CHAPTER V OUTSOURCING OF SERVICES**

### **Regulation 23. Outsourcing of Services**

The University may outsource certain services in the interest of economy and efficiency and it may prescribe detailed instructions and procedures for this purpose without, however, contravening the following basic guidelines.

### **Regulation 24. Identification of Likely Contractors**

The University shall prepare a list of likely and potential Contractors on the basis of formal or informal enquiries from other Organisations/Institutions, scrutiny of 'Yellow pages', and trade journals, if available, relevant websites, etc.

### **Regulation 25. Preparation of Tender enquiry**

The University shall prepare a tender enquiry containing, *inter alia*:

- a) The details of the work or service to be performed by the contractor;
- b) The facilities and the inputs which will be provided to the contractor by the University;
- c) Eligibility and qualification criteria to be met by the contractor for performing the required work/service; and
- d) The statutory and contractual obligations to be complied with by the contractor.

### **Regulation 26. Invitation of Bids**

- (1) For services of value not exceeding Rupees Ten Lakhs, the University shall scrutinise the preliminary list of likely contractors as identified as per Regulation 24, identify the prima facie eligible and capable contractors and issue limited tender enquiry to them asking for their offers by a specified date and time etc. as per standard practice. The number of the contractors so identified for issuing limited tender enquiry should not be less than three.
- (2) For services of value exceeding Rupees Ten Lakhs, the University shall issue advertised tender enquiry asking for the offers by a specified date and time etc. in

the University website and through centralized e-tender portal of the State or Central Government.

### **Regulation 27. Late Bids**

Late bids i.e. bids received after the specified date and time of receipt shall not be considered.

### **Regulation 28. Evaluation of Bids Received**

The University shall evaluate, segregate, rank the responsive bids and select the successful bidder for placement of the contract.

### **Regulation 29. Outsourcing by Choice**

Should it become necessary, in an exceptional situation to outsource a job to a specifically chosen Contractor, the Procurement Committee may do so. In such cases the detailed justification, the circumstances leading to the outsourcing by choice and the special interest or purpose it shall serve shall form an integral part of the proposal.

## **CHAPTER VI MISCELLANEOUS**

### **Regulation 30. Contents of Bidding Document**

All the terms, conditions, stipulations and information to be incorporated in the bidding document shall be specified in the tender documents.

### **Regulation 31. Bid Security**

- (1) In order to safeguard against a bidder withdrawing or altering its bid during the bid validity period in the case of advertised or limited tender enquiry, Bid Security (also known as Earnest Money) shall be obtained from all bidders except those who are registered with the Central Purchase Organisation, National Small Industries Corporation (NSIC) or the concerned Ministry or Department.
- (2) The bidders shall be asked to furnish bid security along with their bids.
- (3) Amount of bid security should ordinarily range between two percent to ten percent of the estimated value of the goods and services to be procured. The exact amount of the bid security shall be determined accordingly by the Procurement Committee and indicated in the bidding documents.
- (4) Submission of bid security may be waived by the Procurement Committee for procurement of value not exceeding Rupees Five Lakhs only.

- (5) The bid security may be accepted in the form of Account Payee Demand Draft, Fixed Deposit Receipt, Banker's Cheque or Bank Guarantee from any of the commercial banks in an acceptable form, safeguarding the purchaser's interest in all respects. The bid security shall remain valid for a period of ninety days beyond the final bid validity period.
- (6) The bid security shall be forfeited if the bidder withdraws or amends its bids or impairs or derogates from the bid in any respect within the period of validity of the bid. Further, if the successful bidder fails to furnish the required performance security within the specified period, the bid security shall be forfeited.
- (7) Bid security of the unsuccessful bidders should be returned to them at the earliest after the expiry of the final bid validity and not later than 90 days from the award of the contract.

### **Regulation 32. Performance Security**

- (1) Performance Security shall be obtained from every successful bidder irrespective of its registration status.
- (2) The rate of Performance Security may range between five to ten per cent of the value of the contract, as may be decided by the Procurement Committee.
- (3) Performance Security may be furnished in the form of an account payee demand draft, fixed deposit receipt from a Commercial bank, bank guarantee from a Commercial bank in an acceptable form safeguarding the interest of the University.
- (4) Performance Security shall remain valid for a period of one year beyond the date of issue of completion certificate of all contractual obligations of the supplier including warranty obligations.
- (5) Bid security shall be refunded to the successful bidder on receipt of the Performance Security.

### **Regulation 33. Monitoring the Contract**

The Vice Chancellor may constitute a Committee to evaluate and monitor the execution of the contract and performance of the contractor for any contract, as he may deem fit.

### **Regulation 34. Maintenance Contract for Goods and Services**

Depending on the cost and nature of the goods and services to be procured, it may also be necessary to enter into maintenance contracts of suitable period as specified by the Procurement Committee, either with the supplier of the goods or services with any other competent firm, not necessarily the supplier of the subject goods or services.

Provided however, that the equipment or machinery or services shall be maintained free of charge by the supplier during its warranty period or such other extended periods as the procurement contract terms may provide and the paid maintenance shall commence only thereafter.

### **Regulation 35. Advance payment to Contractor/Vendor**

- (1) Ordinarily, payments for services rendered or supplies made should be released only after the goods/services have been supplied or rendered as the case may be.
- (2) However, advance payments may be done in the following types of cases :-
  - (a) other case as may be approved by the Procurement Committee.
  - (b) The total Advance payment demanded by firms holding maintenance contracts for servicing of Air-conditioners, computers, other costly equipment, etc.
  - (c) Advance payment demanded by firms against fabrication contracts, turn-key contracts etc.
- (3) Any advance payment shall not exceed the following limits :
  - (a) Thirty per cent or forty percent of the contract value to private firms;
  - (b) In case of maintenance contract, the amount should not exceed the amount payable for six months under the contract.  
Provided that Procurement Committee may relax the ceilings in appropriate cases as it may deem fit.
- (4) While making any advance payment, adequate safeguards in the form of bank guarantee etc. may be obtained from the Contractor/Vendor.

### **Regulation 36. Part payment to Vendor/Contractor**

Depending on the terms of delivery incorporated in a contract or in such cases as the Procurement Committee may deem fit, part payment to the Vendor/Contractor may be released after it dispatches the goods from its premises or partial execution of the services in terms of the contract.

### **Regulation 37. Transparency, Competition, Fairness and Elimination of Arbitrariness in the Procurement Process**

- (1) All procurements should be made in a transparent, competitive and fair manner, to secure best value for money. This will also enable the prospective bidders to formulate and send their competitive bids with confidence. Some of the measures for ensuring the above are as follows:-
  - (a) the text of the bidding document should be self-contained and comprehensive without any ambiguities. All essential information, which a bidder needs for sending responsive bid, should be clearly spelt out in the bidding document in simple language. The bidding document should contain, inter alia;
    - (i) the criteria for eligibility and qualifications to be met by the bidders such as minimum level of experience, past performance, technical capability, manufacturing facilities and financial position etc.;

- (ii) eligibility criteria for goods indicating any legal restrictions or conditions about the origin of goods etc which may required to be met by the successful bidder;
  - (iii) the procedure as well as date, time and place for sending the bids;
  - (iv) date, time and place of opening of the bid;
  - (v) terms of delivery;
  - (vi) special terms affecting performance, if any.
- (b) Suitable provision should be kept in the bidding document to enable a bidder to question the bidding conditions, bidding process and/ or rejection of its bid.
  - (c) Suitable provision for settlement of disputes, if any, emanating from the resultant contract, should be kept in the bidding document.
  - (d) The bidding document should indicate clearly that the resultant contract will be interpreted under Indian Laws.
  - (e) The bidders should be given reasonable time to send their bids.
  - (f) The bids should be opened in public and authorised representatives of the bidders should be permitted to attend the bid opening.
  - (g) The specifications of the required goods should be clearly stated without any ambiguity so that the prospective bidders can send meaningful bids. In order to attract sufficient number of bidders, the specification should be broad based to the extent feasible. Efforts should also be made to use standard specifications which are widely known to the industry.
  - (h) In case of turn-key contracts or contracts of special nature for procurement of sophisticated and costly equipment, a suitable provision is to be kept in the bidding documents for a pre-bid conference for clarifying issues and clearing doubts, if any, about the specifications and other allied technical details of the plant, equipment and machinery projected in the bidding document. The date, time and place of pre-bid conference should be indicated in the bidding document. This date should be sufficiently ahead of bid opening date.
  - (i) Criteria for determining responsiveness of bids, criteria as well as factors to be taken into account for evaluating the bids on a common platform and the criteria for awarding the contract should be clearly indicated in the bidding documents.
  - (j) Bids received should be evaluated in terms of the conditions already incorporated in the bidding documents; no new condition which was not incorporated in the bidding documents should be brought in for evaluation of the bids. Determination of a bid's responsiveness should be based on the contents of the bid itself without recourse to extrinsic evidence.
  - (k) Bidders should not be permitted to alter or modify their bids after expiry of the deadline for receipt of bids.
  - (l) Negotiation with bidders after bid opening must be severely discouraged. However, in exceptional circumstances where price negotiation for the procurement is necessary in the opinion of the Procurement Committee, the same may be resorted to.

- (m) The lowest evaluated bid shall not be the only decisive factor in selection of the contractor/vendor. The Procurement Committee may also take into consideration any other relevant factor.

### **Regulation 38. Cost Escalation**

The Vice-Chancellor shall have the powers to accept and approve, on the recommendation of the Procurement Committee, any escalation to the cost of the awarded Contracts.

Provided that where after escalation the revised value of the contracts exceeds Rupees Five Lakhs, the sanction of the Finance Committee shall be necessary.

### **Regulation 39. Savings**

- (1) Where any contract is being contemplated or executed in furtherance of any project or grant, execution of such contract shall be governed by the terms and conditions of such project or grant as the case may be. However, in absence of any such terms or conditions the present regulation shall apply.
- (2) The validity of any contract for which the tender/bid process has already been started shall not be questioned only on the ground of divergence from the present regulation.
- (3) Any matters pertaining to contract not covered under the aforesaid rules shall be governed by the decision of the Procurement Committee subject to the approval of the Vice-Chancellor.

**Annexure 1**

**Proprietary Article Certificate (as per Regulation 15)**

- (i) The indented goods are manufactured by M/s.....
- (ii) No other make or model is acceptable for the following reasons :  
.....
- (iii) Concurrence of finance wing to the proposal vide : .....
- (iv) Approval of the competent authority vide :.....

Dated

\_\_\_\_\_  
Signature  
Chairperson, Procurement Committee