

Government of India
Ministry of Road Transport & Highways
(EAP Zone)

130.124

Transport Bhawan, 1- Parliament Street, New Delhi-110 001

No.RW/NH-24035/4/2008-P&M/PIC-EAP

Dated the 31st March, 2016¹

To,

1. The Principal Secretaries/Secretaries of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
2. The Engineers-in-Chief and Chief Engineers of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
3. ~~Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010~~²

Subject: Guidelines regarding procedures to be adopted for invitation of tenders and qualification of Contractors for execution of Road and Bridge works on National Highways and Centrally Financed Schemes- Modification in the procedures.

Sir,

Guidelines regarding procedures to be adopted for invitation of tenders and qualification of Contractors for execution of Road and Bridge works on National Highways and Centrally Financed Schemes were issued vide Ministry's Circular of even number dated 13.11.2014.

2. The matter has since been reviewed in the Ministry and in supersession of earlier guidelines the following has been decided with the approval of the Competent Authority for works executed through the State PWD/BRO.

- (i) For works having [~~sanctioned cost~~] [~~sanctioned cost of civil works~~]³ up to Rs. 5 crores existing delegation to the State PWDs to call for and finalize tenders would continue.
- (ii) For works with [~~sanction cost~~] [~~sanctioned cost of civil works~~]³ more than Rs. 5 crores to Rs 300 crores, tenders may be invited by the State PWD/BRO using the requisite bidding document and procedure as per Ministry's extant guidelines. For works with sanction cost more than Rs 300 crore, tenders will be invited by the MoRTH.
- (iii) All the tenders are to be invited through e-procurement as per the Guidelines for "Implementation of comprehensive end-to-end e-procurement" issued by Department of Expenditure vide OM No.10/3/2012-PPC dated 09.01.2014 (Annexure-I). All E-tender should mandatorily be through

1- Supersedes all earlier guidelines.

2- This circular is not applicable to BRO as amended vide circular dated 11.01.2017

3- Amended vide circular dated 22.08.2016 'word sanction/sanctioned cost mentioned in above referred letter shall be read as sanctioned cost of civil works'

MoRTH prescribed facility. The same should be ensured by the Chairman of the Evaluation/Screening Committee. Further, all the tender related reply to queries, corrigendum and details of awards should be published on the Central Procurement Portal (CPP) using e-publishing mode as per OM No.66(43)/PF-II/2014 of Department of Expenditure dated 08.09.2014 (Annexure-II).

3. Opening and Evaluation of Bids for works having [sanctioned cost] [sanctioned cost of civil works]¹ more than Rs. 5 crores shall be done by the Evaluation Committee as mentioned below:

- (A) **Works with [sanctioned cost] [sanctioned cost of civil works]¹ more than Rs. 5 crores and up to Rs. 100 crores:**

1.	Chief Engineer (NH) of the concerned State PWD/equivalent or any other officer nominated by the Principal Secretary/Secretary, PWD	Chairman
2.	Representative of State Finance Department not below the rank of Deputy Secretary	Member
3.	Regional Officer/ELO of MoRTH dealing with the State/work	Member
4.	Superintending Engineer (Concerned NH circle) of the State PWD/equivalent	Member
5.	Executive Engineer (Concerned NH circle) of the State PWD/equivalent	Member Secretary

The Authority to accept bids, which are within 5% of tender premium, based on the recommendation of the Evaluation Committee mentioned in para 3(A) and for carrying out all the necessary contractual formalities leading up to signing of the contract agreement in a time bound manner shall be not below the rank of Principal Secretary/ Secretary State PWD or an equivalent officer of the concerned State/BRO.

- (B) **Works with [sanctioned cost] [sanctioned cost of civil works]¹ more than Rs. 100 crores and up to Rs. 300 crores:**

Opening and evaluation of bids shall be done by the Evaluation Committee having the same composition as mentioned in Para 3(A). The evaluated bids shall then be examined by a Screening Committee with the following composition:

1.	Chief Engineer (MoRTH) dealing with the State/work	Chairman
2.	Chief Engineer (NH) of the concerned State PWD/equivalent	Member
3.	Superintending Engineer (MoRTH) nominated from any other zone.	Member
4.	Representative of Finance Wing (MoRTH)	Member
5.	Superintending Engineer (MoRTH) dealing with the State/work.	Member Secretary

1- Amended vide circular dated 22.08.2016 'word sanction/sanctioned cost mentioned in above referred letter shall be read as sanctioned cost of civil works'

In case, the Screening Committee agrees with the recommendations of the State level Evaluation Committee, the recommendations will be accepted by the Chief Engineer (MoRTH)/Chairman of the Screening Committee. [In case of differences, the competent authority in Ministry to accept the bids based on the recommendations of Screening Committee will be the Secretary, DG(RD)&SS or the ADG, as may be specified] [In case of differences in recommendations of the Screening Committee with the recommendations of the State level Evaluation Committee for Works with sanctioned cost of civil works more than Rs. 100 crores and up to Rs. 300 crores, the Competent Authority in the Ministry to accept bids based on the recommendations of the Screening Committee will be the concerned ADG / **DG(RD) & SS** as per the extant orders of Work Allocations issued from time to time]².

(C) Works with [sanctioned cost] [sanctioned cost of civil works]¹ more than Rs. 300 crores:

Opening and evaluation of bids shall be done by the Evaluation Committee with the same composition as the Screening Committee mentioned in Para 3(B). [The competent authority in Ministry to accept the bids based on the recommendations of Evaluation Committee for the works with sanctioned cost more than Rs. 300 crores upto Rs 500 crore will be Secretary (RT&H)] [The competent authority in the Ministry to accept the bids based on the recommendations of Evaluation Committee for the works with sanctioned cost of civil works more than Rs. 300 crores and upto Rs 500 crore will be the concerned ADG/DG(RD) & SS as per the extant orders of Work Allocations issued from time to time]², but for sanction cost beyond Rs 500 crore, the competent Authority will be the Minister (RT&H).

4. In all cases where the tender premium is within 5% and [sanctioned cost] [sanctioned cost of civil works]¹ of the work is within Rs. 300 crores, issue of Letter of Acceptance/Award (LOA) shall be done by the appropriate authority not below the rank of Superintending Engineer (concerned NH Circle) for [sanctioned cost of work] [sanctioned cost of civil works]¹ more than Rs.5 crores and upto Rs.100 crores and by the authority not below the rank of Chief Engineer (NH) in the State PWD/BRO for [sanctioned cost of work] [sanctioned cost of civil works]¹ more than Rs.100 crores and upto Rs.300 cr. within the period of 10 (ten) days from the receipt of the recommendation of the Evaluation Committee/ Screening Committee. A report would be sent to the concerned Chief Engineer, MoRTH after issue of LOA. Thereafter signing of agreement would be done within prescribed time as per RFP.

5. In all cases where the tender premium is within 5% and [sanctioned cost of the work] [sanctioned cost of civil works]¹ is more than Rs. 300 crores, Letter of Acceptance/Award (LOA) would be issued by the concerned Chief Engineer (MoRTH) and signing of contract agreement shall be done by the appropriate authority in the State PWD/BRO but not below the rank of Superintending Engineer within the period prescribed in the RFP.

6. In case the issue of LOA and signing of the contract, as mentioned in para 4 & 5 above, is not executed by the State/BRO, MoRTH reserves the right to do the same through its concerned Chief Engineer of the Project Zone at the Head Quarters.

1- Amended vide circular dated 22.08.2016 'word sanction/sanctioned cost mentioned in above referred letter shall be read as sanctioned cost of civil works'

2- Amended vide circular dated 31.10.2016

7. The authority competent to accept bids in the State PWD/BRO shall not accept any bid in supersession of the recommendation of the Evaluation Committee or the Screening Committee, as the case may be. In case such an occasion arises, where recommendations of the Committee are not found acceptable, the matter shall be referred to the Ministry duly citing the reasons for non- acceptance and with full justification; but within the prescribed time of 10 days.

8 The delegation of powers for acceptance of bids beyond 5% of tender premium in all cases shall be governed by the extant guidelines issued from time to time.

9. [Thus the Evaluation Committees, which are responsible for evaluation of bids as per Ministry's Circular of even number dated 31.03.2016 and subsequently amended vide letters dtd. 22.08.2016 and 31.10.2016, are requested to adopt following **timeline for evaluation of bids** :

Sanctioned Civil Cost of the project (in Rs. Crores)	Timeline for evaluation of bids
>5 crores but <= 100 crores	State level evaluation committee to complete bid evaluation within 15 days from date of submission of bid online.
>100 crores but <= 300 crores	State level evaluation committee to complete bid evaluation within 15 days from date of submission of bid online. Screening Committee in MoRTH to complete bid evaluation within 15 days from receipt of Evaluation Report of State level evaluation committee.
>300 crores	Evaluation committee of MoRTH to complete bid evaluation within 15 days from date of submission of bid online.

- (i) If the State Level Evaluation Committee has not completed the evaluation of bids within the prescribed period i.e. 15 days, then the bids shall be forwarded to the Screening Committee in Ministry by the concerned CE(NH), State PWD within next two working days for further action.
- (ii) If three such cases reported/observed in the Ministry, where the State Evaluation committee has not completed the evaluation of bids within the prescribed period, then the delegation of power for evaluation of bids at State level issued vide Ministry's letter no. RW/NH-4035/4/2008-P&M/PIC-EAP dated 31.03.2016 may be withdrawn.
- (iii) If the Evaluation/Screening Committee at the Ministry level has not completed the evaluation of bids within the prescribed period, then the Chairman of the Committee shall submit the justifications/clarifications for the same to the Secretary (RT&H) for suitable action.]¹

10. The content of this letter shall be brought to the notice of all concerned for compliance with immediate effect.

1-Insterted vide circular dated 09.12.2016

Yours faithfully,
(B.K. Sinha) Chief Engineer (EAP)

For
DG(RD)&SS

Copy to:

1. All Technical Officers at the Headquarters
2. Secretary General, Indian Roads Congress
3. Director, IAHE, NOIDA
4. All ROs and ELOs of MoRT&H.

Copy for information to:

1. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA, PS to ADG I/II, PS to Coordinator I/II/III
2. NIC- with the request to upload in the Ministry's portal

(B.K. Sinha)
Chief Engineer (EAP)
For DG(RD)&SS

No. 10/3/2012-PPC
Ministry of Finance
Department of Expenditure
Procurement Policy Division

North Block New Delhi
Dated the 9th January, 2014.

OFFICE MEMORANDUM

Subject: Implementation of comprehensive end-to-end e-procurement

This has reference in this Department's OM. of even number dated 30th March 2012 vide which it was conveyed that the Ministries/Departments of the Central Government, their attached and subordinate offices would need to commence e-procurement in respect of all procurements with estimated value of Rs.10 lakh or more in a phased manner as per the prescribed schedule. In this regard an option was given to the procuring entities either to use the e-procurement solution developed by NIC accessible through Central Public Procurement Portal (CPP Portal) or to continue to carry out e-procurement through other service provider/other e-procurement solutions developed in house, provided the conditions/guidelines envisaged in the O.M. referred to above are fulfilled.

2. In this context it is highlighted that the Prime Minister's Committee on National e-Governance Plan (NeGP) during its second meeting held on 1st July 2013 has an endorsed DeITY proposal that e-Procurement should be adopted both for publication and processing of tenders above a prescribed cut of value. The need to mandate all Ministries/Departments to adopt end to end e-Procurement was also emphasized in the meeting of the Apex Committee on NeGP held on 5th November 2013.

3. In pursuance of the decision taken during the above meetings to promote e-Procurement further and to ensure maximum participation of tenders through e-Procurement mode, it has been decided that the tender value limit of Rs. 10 lakh set in respect of e-Procurement is to be brought down to Rs. 5 lakh w.e.f 01.04.2015 and further down to Rs 2 lakh w.e.f. 01.04.2016. Ministries/Departments are therefore requested to ensure and follow the limits which have now been decided in respect of mandatory publishing of tenders through e-Procurement mode.

4. Ministries / Departments are therefore requested to take necessary action to ensure that all tenders above Rs. 10 lakh are compulsorily processed through e-Procurement as per the instruction already issued by this Department vide above OM. A report in the following format in this respect is now to be intimated on a quarterly basis to the Ministry of Finance, Department of Expenditure at the email id [coop-nic\(ci\)nic.in](mailto:coop-nic(ci)nic.in).

Name of the Ministry/Department _____

Period of Report: _____ to _____ Quarter ending on _____

Number of Tenders floated amounting to Rs. 10 lakh or more	Number of Tenders Processed through e-Procurement (whether NIC or using other solution)	Number of Tenders exempted due to National security and strategic Considerations demanding confidentiality	Cases of Non-compliance with reasons
Total	Total	Total	Total

5. in this context, it is further reiterated that:

Ministries/ Departments using other than NIC e-Procurement solution have to ensure that details of all their tender enquiries, related corrigenda and details of contracts awarded thereon, through e-Procurement are simultaneously published/minored of NIC.

ii. Ministries/ Departments that have not yet appointed Nodal officers and have not got User IDs and Passwords issued from NIC for accessing the portal may please ensure that the Nodal officers are appointed immediately. Action may also be taken to start acquiring Digital Signatures from NIC Certifying Authority or any other Certifying Authority, being an essential requirement for e-procurement.

iii. Ministries/ Departments must also tie up with NIC for training and support where e-Procurement solution developed by NIC is adopted and a need in this regard is being felt by sending an e-mail to coop-nic(ci)nic.in. NIC is periodically organizing training programmes on their e-Procurement Module. Action may be taken to nominate representatives to amend the ongoing training programs as per schedule published on the CPP Portal.

6. It is also requested that necessary instructions in this regard may be issued to all attached and subordinate offices under your administrative control.

7. Hindi version of this O.M. will follow.

(Sanjay Aggarwal)
Director (PPD)
Tel No 23094961(O)

To

- (i) Secretaries of all Ministries/Departments of the Government of India.
- (ii) FAs of all Ministries/Departments of the Government of India.
- (iii) DG (NIC). CGO Complex, New Delhi.

This OM is also available on our website <http://finmin.nic.in>

Office of A. S. P. A. D. 3 F. A. D. 14
 11/9/2014

No.66 (43)/PF-I/2014
 Ministry of Finance
 Department of Expenditure
 (Plan Finance-II Division)

New Delhi, 8th September, 2014

OFFICE MEMORANDUM

Subject: Mandatory publication of tender enquiries as well as detail of bid awards on Central Procurement Portal (CPP).

Attention is invited to this Department O.M. No.10/1/2011-PPC dated 30th November, 2011, wherein it was mandatory for all Ministries/Departments of the Central Government, their attached and subordinate offices, Central Public Sector Enterprises (CPSEs) and autonomous/ statutory bodies to publish their tender enquiries, corrigenda thereon and details of bid awards on the Central Procurement Portal (CPP) using e-publishing mode.

2 It has been ascertained from NIC, that at present very few purchasing entities are putting up details of bid award on CPP.

3. It is reiterated that all purchasing entities under your control be directed to publish details of the bid award on CP portal. A compliance report in this regard may please be furnished by all. Departments/Ministries incorporating details of all

attached/subordinates offices, CPSEs, autonomous bodies etc. under your control by 30.9.2014.

(Sanjay Aggarwal)
 Director (PPD)

To

Secretaries all Ministries/ Departments

Copy to FAs all Ministries/ Departments