

**Government of West Bengal
Finance Department
Audit Branch
Writers' Buildings**

No. 5400-F(Y).

Dated, Kolkata, the 25th June, 2012.

NOTIFICATION

In exercise of the power conferred by Clause (3) of Article 166 of the Constitution of India, the Governor is pleased hereby to make the following amendments in the West Bengal Financial Rules, Volume-I, and in partial modification of Notification No.10500-F dated 19th November 2004, (hereinafter referred to as the said Rules), namely:-

AMENDMENTS

In the said Rules, -

(1) for sub-rules 8, 9 and 10 of Rules 47 substitute the following sub-Rules:-

Rule 47(8) - Subject to Notes-1 to 5 below, orders should be placed only after open tenders or quotations have been invited and in the cases where the lowest tender or quotation is not accepted, reasons should be recorded under signature of the officer in charge of purchase.

Note-1. - Subject to the special rules or order or procedure that may be prescribed by the Government in respect of a particular department, open tender shall invariably be invited for the supply of articles or stores or for execution of works and services worth Rs.1,00,000=00 or more. For high-value purchase exceeding Rs.10 lakh or for purchasing plant, machinery, etc., of complex and technical nature, bids may be invited in two parts under two-bid system laid down in rule 47C below. Selection of agency should be made on the basis of at least three tenders, which shall be opened in presence of willing agents. If the number of tenders received is less than three, tender should be invited afresh. In case of invitation of tender under two-bid system, if the number of tenderers/bidders qualified in the technical bid is less than three, tender should be invited afresh. Purchase upto Rs.10,000=00 may be made without any tender or quotation. 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 Rs.10,000=00 and upto Rs.1,00,000=00 shall be made after inviting 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 finalised on recommendation of Local Purchase Committee to be constituted in each office. In respect of offices outside Kolkata, the notice for quotation shall be issued through notice board of the concerned office, the offices of the District Magistrate and the Sub-Divisional Officer and the

Panchayat, Municipality of that locality. In Kolkata, such notice shall be circulated by displaying in the notice board of Local Offices and by sending the same to suppliers etc.

Note -2 - Tender notice shall always be given due publication through the leading dailies in English, Hindi and Bengali. The use of intermediate general suppliers should be discouraged. Open tender for supply of articles or stores or for execution of works worth Rs.1,00,000/- or more 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 Rs.10,000 upto Rs.1 lakh.	Publication of the work on the notice board and on the official website of the administrative department, if maintained.
ii.	For supply of articles or stores or for execution of works and services with estimated value exceeding Rs.1 lakh upto Rs.5 lakh.	Publication of the work on the notice board and on the website of the administrative department, if maintained and also brief referral advertisement in one daily Bengali newspaper [in case of hill areas of Darjeeling District in Nepali newspaper].
iii.	For supply of articles or stores or for execution of works and services with estimated value exceeding Rs.5 lakh upto Rs.10 lakh.	Publication of the work on the notice board and on the website of the administrative department, if maintained 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.
iv.	For supply of articles or stores or for execution of works and services with estimated value exceeding Rs.10 lakh.	Publication of the work on the notice board and on the website of the administrative department, if maintained, and also in the official website of Government of West Bengal, 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 in Hindi.
Explanation : Brief referral advertisement will contain only certain title information such as name and location of the scheme, last date for submission of tender, names of the websites where details are available.		

The administrative departments are 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.

For Tender value of Rs. 50 lakh and above, e-tendering through the centralized e-Tender Portal [<http://wbttenders.gov.in>] is mandatory, in addition to publication in print media.

Note-3 - A minimum period, as stated below, shall be allowed for submission of the tenders from the final publication date.

Sf. No.	Item	Minimum period for submission of tender from the last date of publication
a.	For supply of articles or stores or for execution of works and services with estimated value not exceeding Rs.10 lakh.	7 days
b.	For supply of articles or stores or for execution of works and services with estimated value exceeding Rs.10 lakh upto Rs.1 Crore.	14 days
c.	For supply of articles or stores or for execution of works and services with estimated value exceeding Rs.1 Crore.	21 days

Note-4, - The head of the Office is authorised to purchase the supply fittings, sanitation and sewage plant fittings and parts for pumps, compressors, engine and motors in use in the water supply and conservancy work in the establishment, only in case of emergencies such as sudden failure of machines, etc. when it is not possible to make the purchases after calling tenders or quotations. A certificate should always be recorded in each such occasion over the signature of the head of the Office.

Note-5, - Foodstuffs for the hostels attached to Government schools and colleges may be purchased from the open market, if it proves advantageous having regard to the price and quality of the articles and if the supplier fails to supply the essential items for hostels.

Rule 47(9) (a) In selecting the tender to be accepted the financial status of the individuals and firms tendering shall be taken into consideration in addition to all other relevant factors. Subject to the provisions of rule 47C below where tender is invited in two-bid system, financial bid should not be opened until the technical bid is opened and assessed for selection of the qualified bidder.

(b) Sales Tax and Income Tax Clearance Certificate should be furnished by the contractors for contract value above Rs. 50,000=00.

(c) In the case of private individuals and firms tendering in foreign countries for contracts of large value, that is, contracts of over Rs. 25 Lakh, the Head of the Indian Mission post concerned should be consulted.

Rule 47(10) - The Comptroller and Auditor General and under his direction other Audit authorities shall have power to examine contracts and to bring before the Public Accounts Committee any cases where competitive tenders have not been sought or tenders other than L1 or H1, as applicable, have been accepted or where other irregularities have come to light. Authorities who are authorised to enter into contracts or agreements should send copies of all contracts and agreements valued over

Rs.5 Lakh to the Principal Accountant General (A & E), West Bengal, Principal Accountant General (Audit), West Bengal and Accountant General (Local Bodies Audit), West Bengal.

(II) for sub-rules (7) and (8) of Rule 47B insert / substitute the following sub-rules -

Rule 47B. (7) Materials for which the Director General of Supplies and Disposals (DGS&D) and National Informatics Centre Services Incorporated (NICSI) rate contracts are available can be purchased directly from the enlisted agencies of DGS&D and NICSI at approved rate contracts.

(8) Drawing and Disbursing Officers, while preferring bills on purchases of articles to Kolkata Pay & Accounts Offices/Treasuries in Districts, shall furnish a certificate on the body of the bills that purchases have been made in strict compliance of the stores purchase policy of the State Government and Pay & Accounts Officers/Treasury Officers shall, while scrutinizing the bills, ensure that such certificates are furnished.

Purchase of Duplicating machine, Computer and peripherals, printers, photocopiers and other office equipments for use in Government Offices and liveries for use of the Government employees shall continue to be governed by the Finance Department orders issued from time to time.

(III) after rule 47B insert the following rules -

Rule 47C -- Two-bid System - For high value purchase exceeding Rs.10 lakh or for purchasing plant, machinery, equipments etc. of complex and technical nature, bids shall be invited in two parts as under:

- (a) The technical bid consisting of all technical details along with commercial terms and conditions;
- (b) Financial bid indicating item-wise price for the items mentioned in the technical bid.

The technical bid and the financial bid should be sealed by the bidder in separate cover duly superscribed and both the sealed covers are to be put in a bigger cover which should also be sealed and duly superscribed. The technical bids shall be opened by the purchasing department/office at the first instance and evaluated by a competent committee or authority. At the second stage, financial bids of only the technically acceptable offers shall be opened for furnishing value and ranking before finalization and awarding of the contract. After evaluation the lowest rate (L1) financial bid from among the technically qualified bidders shall be accepted.

Rule 47D --(1) (a) State Government Corporations and Autonomous Bodies, listed in **Annexure – ‘C’** may be nominated for execution of Government works as agency of the Government.

(b) Central organizations / Public Sector Enterprises / Companies / Undertakings specialized in construction of roads, bridges, buildings etc., and listed in **Annexure – ‘D’** may also be engaged as agency for the purpose of State Government works.

(2) Action to engage these organizations by the Departments should be to supplement the function of Public Works Department of the Government and resorted to in cases where the departments consider that the work is of urgent nature. The Department should satisfy itself that it will be economical and in public interest to engage such Organization for Agency function.

(3) The various procedural matters as laid down in Public Works Department codes, manuals etc. as well as the rules prescribed herein shall be equally applicable for the purpose of execution of works through the State and Central Organizations as mentioned at clause (1) above. The organizations nominated as the State Government agency shall execute the entrusted works after engagement of contractors to be selected observing the normal tendering procedure and accepting the L1 rate when the job involves making payment for jobs done and Bill rate when the tender is for sale of materials connected with execution of the entrusted works.

(4) The agency fees to be allowed and terms and conditions of the Contract/Memorandum of Understanding (MOU) to be entered into with the agency are as follows.

(a) The Contract/MOU may be for composite works and may be a combination of "Lump Sum Contract" and "Percentage Rate Contract"/"Item Rate Contract". Estimated cost shall be based on Public Works Department Schedule of Rates for the scheduled items of work and market rate as approved by the head of the Engineering wing of the Agency organization for the non-scheduled items of work. Component-wise break-up of the agency fee is given at clause (6) below.

(b) (i) The nominated agency organization will first prepare a forecast estimate of cost of the work on the basis of standard unit cost as per the State Public Works Department Schedule of Rates in case of works within the state and Central Public Works Department Schedule of Rates in case of works outside the State on the basis of preliminary drawings of the work supplied by the concerned department of the state Government or prepared by the agency, if asked to do so, and submit it to the employing department of the Government to enable it to obtain Administrative Approval for the work at appropriate level. On receipt of the Administrative Approval for the concerned work indicating scope of the work and approximate cost, the concerned agency organization will prepare the detailed cost estimate of the work on the basis of drawings received from the employing department of the government or prepared by the organization itself, as the case may be, and send it to the employing department of the Government for acceptance.

(b)(ii) All projects with the estimated cost of Rs. 5 crore and above shall be vetted by a duly constituted Technical Committee in the Finance Department.

(c) Drawing and design by the Department -

i) In cases where work is to be executed as per design and drawing of the department, all the detailed working drawings, both architectural and structural must be prepared before

hand, and should form part of the preliminary documents to be given to the selected organization. It should also contain complete and detailed specifications of the work. The preliminary documents must set out complete scope of the work. Only the drawings and the detailed specifications as contained and/or referred to in the preliminary documents shall form the basis of execution and payment.

ii) The extra payment or recovery over and above the accepted rate shall be called for only in the event of authorized deviations from the drawings and specifications (as given and/or referred to in the preliminary documents) in course of execution and not otherwise.

(d) Drawing and design by the agency -

i) In cases where the detailed architectural and structural drawings are to be provided by the agency, all information regarding the work to be executed through the Agency Organisation such as the architectural and structural parameters, details of the functional requirement and complete specification thereof, as available, must be passed on by the concerned Department to the Agency Organisation. The Agency Organisation shall prepare the preliminary documents of the work to be executed through Agency Organisation. The preliminary documents must contain complete and detailed specifications of the work, working drawings, both architectural and structural and should set out complete scope of the work. Only the drawings and the detailed specifications as contained and/or referred to in the preliminary documents shall form the basis of execution and payment.

ii) A condition should be stipulated in the preliminary documents that the work shall be executed through the Agency Organisation as per detailed design and architectural drawings to be prepared by the agency conforming to the given parameters and functional requirements as mentioned in the preliminary documents, and submitted to the employing department within specified time after the award of work. The agency shall accordingly get the design/drawings approved by the employing department before taking up the execution of the work.

iii) In case any modification for any reason is ordered in course of execution, suitable adjustment for extra payment or recovery shall be effected only if such modification results in change in the scope of work as given in the preliminary documents, or any change from the specified parameters.

e) 1) The composite works offer documents shall contain:

i) the detailed architectural and structural drawings,

ii) detailed specifications for the various items and components of the work,

iii) the schedule of quantities for the various items and components of the work.

iv) the inclusions in and exclusions from the scope of the contract, if required, for better clarity, and,

v) monitoring and supervision of the various stages of work, the percentage of work done on the contract value and release of intermediate and final payments.

II) The schedule of quantities referred to above is only limited for the purpose of assessing the quantum of work involved. It is not meant for subsequent measurement and payment in the course of execution of the work. Deficiencies noticed, if any, by the agency should be immediately brought to the notice of the employing department, who shall examine the same, and make necessary corrections, if required, to the offer documents before assignment of the work.

III) The agency organization shall arrange for execution of the work through the contractor as per the drawings and specifications as given in the documents. No claim for any payment on account of deviations and variations in quantity of any item(s) or component(s) of the work, unless they are authorized deviations from the parameters drawings and specifications contained in the documents.

IV) The rate of deviated items shall be determined as per terms and conditions of Contract/MOU between the agency organization and the employing Government department.

V) The concerned Agency Organisation shall monitor, supervise and physically verify that the work has been done in each stage in conformity with the drawings and specifications contained in the offer/preliminary documents, and certify the same before recommending release of the stage payment.

(5) The agency job will be broken into following components: -

i) preparation of estimate, design and detailed drawing

ii) invitation of tender, evaluation of bids and award of work

iii) supervision of work, checking of bills, payment and submission of utilization certificate, completion certificate.

(6) Agency Fee

Component-wise agency fee will be as follows:

A. For buildings above G+3, buildings with basements and roads and bridges.

i) For preparation of estimate, design and detailed drawing

* 3% of estimated cost for exclusive and customized drawing and design;

* 2% of the estimated cost for standard drawing and design.

(at least 5 sets each of the documents under this component should be submitted)

ii) invitation of tender, evaluation of bids and award of work

* 2% of estimated cost of the works

iii) supervision, monitoring, checking of bills, payment and submission of utilization certificate, completion certificate

* 3.5% of estimated cost of the works.

Thus the agency fee comes to 8.5% of sanctioned cost estimate in case of works involving exclusive and customized drawing and design and 7.5% of sanctioned cost estimate in case of works involving standard drawing and design.

B. for buildings upto G+3 (without basement) for (i) exclusive and customized design and drawings and (ii) standard design and drawings.

5% of estimated cost for all the components taken together.

The rate of deviated items shall be determined as per terms and conditions of Contract/MOU between the agency organization and the employing Government department. No contingency / overhead charge shall be payable other than the 8.5 % / 7.5 % / 5 % as mentioned hereinabove.

(7) **Qualified Staff** – In case project cost exceeds Rs.1 crore but within Rs.5 crore at least one qualified Graduate Engineer along with two Diploma Engineers should be engaged in supervision and monitoring of the job. In case of project cost exceeding Rs.5 crore, requisite number of qualified and experienced Graduate Engineers along with Diploma Engineers should be engaged according to the value of the project for proper supervision and monitoring of the work.

(8) **Specifications** – In case of absence of specifications for any job in the State Public Works Department Code /Manual, the Central Public Works Department specifications should be followed.

(9) **Mobilization Advance**- Mobilization advance not exceeding 10% of the sanctioned estimated cost may be given, if requested by the agency organization in writing within one month of the order to commence the work. Such advance shall be in two or more installments to be determined by the competent authority of the employing department at his/her sole discretion.

By order of the Governor

Sd./- H. K. Dwivedi,

Secretary to the
Government of West Bengal.

Copy forwarded for information and necessary action to :-

1. The Principal Accountant General (A&E), West Bengal. Treasury Buildings, 2, Govt. Place (West), Kolkata-700 001.
2. The Principal Accountant General (Audit), West Bengal, Treasury Buildings, 2, Govt. Place (West), Kolkata-700 001.
3. The Accountant General (R.W. & L.B. Audit), West Bengal, C.G.O. Complex, 'C' East Wing, 5th Floor, Salt Lake, Sector-I, Kolkata-700 064.
4. The Additional Chief Secretary/Principal Secretary/Secretary,Department.
5. The Director of Treasuries & Accounts, West Bengal. The New India Assurance Building, 4, Lyons Range, Kolkata - 700 001.
6. The Commissioner,
7. The District Magistrate,
8. The Sub-Divisional Officer,
9. The Pay & Accounts Officer, Kolkata Pay & Accounts Office - I, 81/2/2, Phears Lane, Kolkata - 700 012.
10. The Pay & Accounts Officer, Kolkata Pay & Accounts Office - II, P-1, Hyde Lane, Kolkata - 700 012.
11. The Pay & Accounts Officer, Kolkata Pay & Accounts Office - III, 1B Market, 1st Floor, Salt Lake, Sector -III, Kolkata - 700 106.
12. The Treasury Officer,
13.
14. The Principal Accounts Officer & Ex-Officio Deputy Secretary, Finance (Budget) Department, for uploading this Notification in the Finance Department website.


(Swapan Kumar Paul)
Special Secretary to the
Government of West Bengal,
Finance Department.

ANNEXURE – C

(See Rule 47D)

State Bodies and Corporations

1. West Bengal Industrial Infrastructure Development Corporation,
2. Mackintosh Burn Ltd.,
3. Britannia Engg. Ltd.,
4. Wasting House Saxby Farmer,
5. Hooghly River Bridge Commissioners,
6. Development authorities under Urban Development Department.
7. Other State Organizations/Corporations to be selected by the State Government from time to time.

ANNEXURE – D

(See Rule 47D)

Central Organizations/Public Sector Enterprises/Companies/undertakings-

1. Central Public Works Department
2. National Building Construction Corporation (NBCC)
3. RITES
4. IRCON International Limited (formerly Indian Railways Construction Company Ltd.)
5. Bridge & Roof
6. Balmer Lawrie
7. HSCI. (Hindustan Steelworks Construction Limited)
8. EIL (Engineers India Limited)
9. Other Central Organizations/Corporations to be selected by the State Government from time to time.