

## Procurement Rules & Regulations 2009

Sl.No	Question & Answer
1	<p><b>Under which ground a bidder can be excluded from participating in Public Procurement?</b> Refer clause 2.1.4 sub clause 2.1.4.1.of Procurement Rules &amp; Regulations 2009.</p>
2	<p><b>What constitutes Historical documents?</b> Refer definition No .24(Page 4) of Procurement Rules &amp; Regulations 2009</p>
3	<p><b>Where do we draw a line for abnormally low bid?</b> The percentage cap is not feasible to set for abnormally low bid. Refer sub clause 5.4.5.1 to 5.4.5.3 of the Procurement Rules &amp; Regulations 2009</p>
4	<p><b>During submission of bid, how should an envelope be marked? What seal is to be used in inner and outer envelope?</b> As per the Procurement Rules and Regulations (2009), Chapter V, clause 5.1.7, sub section 5.1.7.2, bidders shall be advised on the manner of submission of bids as follows: a) the bids shall be delivered by hand or by registered post in sealed envelopes to appropriate addressee and shall be marked “confidential”. A “sealed envelope” shall mean that: i) A bid shall be contained in an inner envelope sealed with adhesive or other sealant, which will prevent re-opening. ii) The inner envelope shall be signed across the seal. The name of the bidder shall be written on the inner envelope. iii) The inner envelope shall be placed inside a further outer envelope similarly sealed. On this outer envelope, only the addressee, the words “Confidential”, and any other relevant information in accordance with the bidding documents shall appear</p>
5	<p><b>How many numbers of copies of bid to be submitted?</b> As per the Procurement Rules and Regulations (2009), Chapter V, clause 5.1.7, sub clause 5.1.7.3, in case the bids are required to be submitted in more than one copy, the specific number of copies to be submitted shall be mentioned in the bidding data sheet (BDS).</p>
6	<p><b>Can Procuring agency extend the defects liability period for unlimited Period?</b> Refer Procurement Rules and Regulations (2009), clause 5.1.11. However for a particular contract, refer specific clause of the contract document.</p>
7	<p><b>Whether pre bid meeting is recommended or not?</b> As per the procurement Rules and Regulations (2009), Chapter V, clause 5.1.5 sub clause 5.1.5.1 (c), Pre-bid meeting shall be conducted only if strictly necessary and as approved by the head of the Procuring Agency to clarify doubts and concerns of the bidders prior to submission of bids. Minutes of the pre bid meeting shall be circulated to all bidders that have purchased bidding documents.</p>
8	<p><b>In technical specification on the procurement of goods, whether it is allowed to give brand name?</b> As per the Procurement Rules and Regulations (2009), chapter V, section V, clause 5.2.2.12, in both the cases of goods and works, care shall be taken not to use any particular brand name or catalogue number that would tend to restrict competition or to</p>

	favor any particular supplier. If the use of such brand names or catalogue number is unavoidable, the words “or their equivalent” should follow them.
9	<p><b>Whether bid security, performance security and liquidated damage are allowed in consulting services?</b></p> <p>As per the Procurement Rules and Regulations (2009), chapter VII, clause 7.4.2.3, bid and performance securities are not recommended for consultants’ services. Their enforcement is often subject to judgment calls, they can be easily abused, and they tend to increase the costs to the consulting industry without evident benefits. Liquidated damage also doesn’t apply to consulting services.</p>
10	<p><b>What is the limit for awarding additional works or additional supplies to the same contractor/supplier?</b></p> <p>As per Clause 4.2.5.2 (e) of PRR, additional supplies can be given the same supplier in the case of Repeat Order for supplies previously procured through competitive bidding, where the value of the additional supplies do not exceed fifteen percent (15%) of the original contract; and as per Clause 4.2.5.2 (f) of PRR, additional works can be given to the same contractor in the case of additional works provided that the value of the additional work shall not exceed twenty percent (20%) of the original contract amount, or the maximum threshold value for the use of Limited Tender whichever is lower. However additional works exceeding twenty percent (20%) of the original contract price, and subject to availability of budget within the same program, special approval must be sought from the competent authority.</p>
11	<p><b>Is it acceptable if in place of the bidders, their representatives attend the bid opening?</b></p> <p>In normal tendering process the bidders may or may not attend the bid opening. However if the bidder wishes to attend the bid opening, bidders can attend themselves or otherwise send their authorized representatives. Refer Clause 5.3.4 of PRR.</p>
12	<p><b>Even if there is only one bidder who has submitted the bid, can we proceed further by opening this single bid?</b></p> <p>Yes. Refer Clause 5.3.2.5 of Procurement Rules and Regulations 2009.</p>
13	<p><b>If the Spouse of a Civil Servant is taking part in a tender where the Civil Servant works (and the Civil Servant is not involved in the procurement evaluation) is the Spouse allowed to be involved in procurement?</b></p> <p>If a Spouse of a Civil Servant is taking part in a tender where the Civil Servant works Clause 5.1.4.1b of the Procurement Rules and Regulations 2009 will apply.</p>
14	<p><b>Do we need independent members in all three levels of tender committee? What is so called Award Committee?</b></p> <p>Refer clause 3.1.2.3 of Procurement Rules &amp; Regulations 2009</p>