

मध्य प्रदेश शासन
वित्त विभाग
मंत्रालय, वल्लभ भवन-भोपाल

क्रमांक : एफ 4-2/2010/नियम/चार
प्रति,

भोपाल, दिनांक 30 दिसम्बर, 2010

शासन के समस्त विभाग,
अध्यक्ष, राजस्व मंडल, ग्वालियर,
समस्त संभागीय आयुक्त,
समस्त विभागाध्यक्ष,
समस्त जिलाध्यक्ष,
मध्यप्रदेश ।

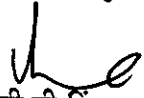
विषय - भण्डार क्रय नियमों के अंतर्गत न्यूनतम निविदाकार से निगोशिएशन ।

मध्यप्रदेश शासन वित्त विभाग की अधिसूचना क्रमांक एफ 2/3/2004/नियम/चार दिनांक 5-4-2005 द्वारा मध्यप्रदेश वित्तीय संहिता भाग-1 के नियम 21 खण्ड (छ) परन्तुक जोड़ा जाकर न्यूनतम निविदाकर्ता से आपवादिक परिस्थितियों में बातचीत करने संबंधी प्रावधान रखा गया है।

2/ भारत सरकार केन्द्रीय सतर्कता आयोग के ज्ञाप दिनांक 3-3-2007 एवं दिनांक 20-1-2010 द्वारा इस संबंध में जारी निर्देशों की प्रति संलग्न है । कृपया सुनिश्चित करें कि अपवादिक परिस्थितियों में किये जाने वाले निगोशिएशन इन निर्देशों के अनुसार परिस्थितियों में एवं उल्लेखित प्रक्रिया का पालन करते हुये ही किये जाने चाहिये ।

3/ यह आदेश, राज्य के सार्वजनिक उपक्रमों/निगमों/मंडलों/स्थानीय संस्थाओं/विश्वविद्यालयों पर भी लागू होगा ।
संलग्न- उपरोक्तानुसार ।

मध्यप्रदेश के राज्यपाल के नाम से
तथा आदेशानुसार


(जी.पी.सिंघल)

प्रमुख सचिव
मध्य प्रदेश शासन, वित्त विभाग

पृष्ठा.क्रमांक : एफ 4-2/2010/नियम/चार
प्रतिलिपि:-

भोपाल, दिनांक 30 दिसम्बर, 2010

1. राज्यपाल मध्यप्रदेश के सचिव, राजभवन भोपाल
2. प्रमुख सचिव, मध्यप्रदेश, विधानसभा, भोपाल
3. निबंधक, उच्च न्यायालय मध्यप्रदेश, जबलपुर
4. सचिव, मुख्यमंत्री, मुख्यमंत्री सचिवालय, भोपाल
5. सचिव, लोक सेवा आयोग, इंदौर
6. सचिव, लोक आयुक्त, मध्यप्रदेश, भोपाल
7. निज सचिव/निज सहायक मंत्री/राज्यमंत्री, मध्यप्रदेश शासन, भोपाल
8. मुख्य निर्वाचन पदाधिकारी, मध्यप्रदेश, भोपाल
9. सचिव राज्य निर्वाचन आयोग, मध्यप्रदेश, भोपाल
10. रजिस्ट्रार, मध्यप्रदेश राज्य प्रशासनिक न्यायाधिकरण भोपाल/जबलपुर/इंदौर/ग्वालियर ।
11. महाधिवक्ता/उप महाधिवक्ता, मध्यप्रदेश भोपाल/इंदौर/ग्वालियर ।
12. महालेखाकार (लेखा और हकदारी)/(आडिट)-1/2 मध्यप्रदेश ग्वालियर/ भोपाल ।
13. अध्यक्ष व्यावसायिक परीक्षा मंडल /माध्यमिक शिक्षा मंडल, मध्यप्रदेश भोपाल ।
14. प्रमुख सचिव/सचिव /उप सचिव, सामान्य प्रशासन विभाग, भोपाल
15. आयुक्त कोष एवं लेखा, मध्यप्रदेश
16. आयुक्त, जनसम्पर्क संचालनालय, मध्यप्रदेश भोपाल
17. नियंत्रक शासकीय केन्द्रीय मुद्रणालय, भोपाल की और राजपत्र में प्रकाशन के लिए,
18. अवर सचिव, सामान्य प्रशासन विभाग (स्थापना शाखा/अधीक्षण शाखा/अभिलेख/मुख्य लेखाधिकारी) मंत्रालय, भोपाल
19. मुख्य सचिव के स्टाफ आफिसर मंत्रालय, भोपाल
20. समस्त संभागीय संयुक्त संचालक, कोष, लेखा एवं पेंशन मध्यप्रदेश
21. सभी प्राचार्य, लेखा प्रशिक्षण शाला, मध्यप्रदेश
22. संयुक्त संचालक, जनसंपर्क प्रकोष्ठ, मंत्रालय, भोपाल
23. अध्यक्ष, मध्यप्रदेश राज्य कर्मचारी कल्याण समिति कक्ष-84, मंत्रालय, भोपाल
24. अध्यक्ष, शासन के समस्त मान्यता प्राप्त कर्मचारी संगठन / संघों
25. सभी कोषालय अधिकारी /उप कोषालय अधिकारी
26. गार्ड फाईल

की ओर सूचनार्थ एवं आवश्यक कार्यवाही के लिये अग्रेषित ।



(डी.के.सक्सैना)

अवर सचिव

मध्यप्रदेश शासन, वित्त विभाग

No.005/CRD/012
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 3rd March, 2007

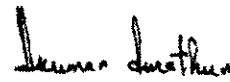
Circular No. 4/3/07

Sub:- Tendering process - negotiations with L-1.

Reference is invited to the Commission's circulars of even number, dated 25.10.2005 and 3.10.2006, on the above cited subject. In supersession of the instructions contained therein, the following consolidated instructions are issued with immediate effect:-

- (i) As post tender negotiations could often be a source of corruption, it is directed that there should be no post-tender negotiations with L1, except in certain exceptional situations. Such exceptional situations would include, procurement of proprietary items, items with limited sources of supply and items where there is suspicion of a cartel formation. The justification and details of such negotiations should be duly recorded and documented without any loss of time.
- (ii) In cases where a decision is taken to go for re-tendering due to the unreasonableness of the quoted rates, but the requirements are urgent and a re-tender for the entire requirement would delay the availability of the item, thus jeopardizing the essential operations, maintenance and safety, negotiations would be permitted with L-1 bidder(s) for the supply of a bare minimum quantity. The balance quantity should, however, be procured expeditiously through a re-tender, following the normal tendering process.
- (iii) Negotiations should not be allowed to be misused as a tool for bargaining with L-1 with dubious intentions or lead to delays in decision-making. Convincing reasons must be recorded by the authority recommending negotiations. Competent authority should exercise due diligence while accepting a tender or ordering negotiations or calling for a re-tender and a definite timeframe should be indicated so that the time taken for according requisite approvals for the entire process of award of tenders does not exceed one month from the date of submission of recommendations. In cases where the proposal is to be approved at higher levels, a maximum of 15 days should be assigned for clearance at each level. In no case should the overall timeframe exceed the validity period of the tender and it should be ensured that tenders are invariably finalised within their validity period.

- (iv) As regards the splitting of quantities, some organisations have expressed apprehension that pre-disclosing the distribution of quantities in the bid document may not be feasible, as the capacity of the L-1 firm may not be known in advance. It may be stated that if, after due processing, it is discovered that the quantity to be ordered is far more than what L-1 alone is capable of supplying and there was no prior decision to split the quantities, then the quantity being finally ordered should be distributed among the other bidders in a manner that is fair, transparent and equitable. It is essentially in cases where the organizations decide in advance to have more than one source of supply (due to critical or vital nature of the item) that the Commission insists on pre-disclosing the ratio of splitting the supply in the tender itself. This must be followed scrupulously.
- (v) Counter-offers to L-1, in order to arrive at an acceptable price, shall amount to negotiations. However, any counter-offer thereafter to L-2, L-3, etc., (at the rates accepted by L-1) in case of splitting of quantities, as pre-disclosed in the tender, shall not be deemed to be a negotiation.
2. It is reiterated that in case L-1 backs-out, there should be a re-tender.
 3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.



(Vineet Mathur)
Deputy Secretary

All Chief Vigilance Officers

Telegraphic Address :
"SATARKTA: New Delhi

सं. / No. 005/CRD/012

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24651001 - 07

फैक्स/Fax : 24616286

भारत सरकार
केन्द्रीय सतर्कता आयोग
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

दिनांक / Dated
20 January, 2010

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to All Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) The Chief Executives of all PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (vi) The Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (vii) President's, Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO

CIRCULAR No.01/01/10

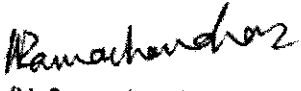
Attention is invited to the Commission's circular No. 4/3/07 dated 3.3.07 on the issue of "Tendering Process - Negotiations with L1".

In the said circular it has, among other things, been stated "As post tender negotiations could often be a source of corruption, it is directed that there should be no post tender negotiations with L1, except in certain exceptional situations". It has come to Commission's notice that this has been interpreted to mean that there is a ban on post tender negotiations with L-1 only and there could be post tender negotiations with other than L1 i.e. L2, L3 etc. This is not correct.

It is clarified to all concerned that - there should normally be no post tender negotiations. If at all negotiations are warranted under exceptional circumstances, then it can be with L1 (Lowest tenderer) only if the tender pertains to the award of work/supply orders etc. where the Government or the Government company has to make payment. However, if the tender is for sale of material by the Government or the Govt. company, the post tender negotiations are not to be held except with H1 (i.e. Highest tenderer) if required.

2. All other instructions as contained in the circular of 3.3.2007 remain unchanged.

3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.


(V. Ramachandran)
Chief Technical Examiner