



# ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ಪ್ರಸಾರಣ ನಿಗಮ ನಿಯಮಿತ

ನಿಗಮದ ಗುರುತಿನ ಸಂಖ್ಯೆ (ಸಿ.ಐ.ಎನ್.) : ಯು40109ಕೆಎ1999ಎಸ್‌ಜಿಸಿ025521  
ಕಂಪನಿಯ ಅಧಿಕೃತ ಕಛೇರಿ : ನಿಗಮ ಕಾರ್ಯಾಲಯ, ಕಾವೇರಿ ಭವನ, ಕೆ.ಜಿ. ರಸ್ತೆ, ಬೆಂಗಳೂರು-560 009

ಕವಿಪ್ರನಿ/ಬ9/39331/16-17

ದಿನಾಂಕ :

5 JAN 2021

## ಸುತ್ತೋಲೆ

ವಿಷಯ:- ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಯಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ ಮತ್ತು ನಿಯಮಗಳನ್ನು ನಿಗಮದ ಎಲ್ಲಾ ಸಂಗ್ರಹಣಾ ಪ್ರಾಧಿಕಾರಿಗಳು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ:- ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ ಆಇ367ವೆಚ್ಚ-12/2020 (ಇ-ಆಫೀಸ್) ದಿನಾಂಕ 26/06/2020.

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ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಉಲ್ಲೇಖದ ಸುತ್ತೋಲೆಯಲ್ಲಿ ರಾಜ್ಯದ ಎಲ್ಲಾ ಸಂಗ್ರಹಣಾ ಪ್ರಾಧಿಕಾರಿಗಳು ಅಗತ್ಯವಿರುವ ಸರಕುಗಳ ಖರೀದಿ, ಸೇವೆಗಳ ಪಡೆದುಕೊಳ್ಳುವಿಕೆ ಮತ್ತು ಕಾಮಗಾರಿಗಳ ನಿರ್ವಹಣೆಯನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ 1999 ಮತ್ತು ನಿಯಮಗಳು 2000 ಅನ್ವಯವೇ ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ ಹಾಗೂ ಸದರಿ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದಲ್ಲಿ ಕಾಯ್ದೆಯ ಕಲಂ (23) ರನ್ವಯ ದಂಡನೆಗೆ ಒಳಪಡಬೇಕಾಗುತ್ತದೆಂದು ತಿಳಿಸಲಾಗಿದೆ.

ಮುಂದುವರೆದಂತೆ, ಎಲ್ಲಾ ಸಂಗ್ರಹಣಾ ಪ್ರಾಧಿಕಾರಿಗಳು ಟೆಂಡರ್ ಪ್ರಕ್ರಿಯೆ ಮೂಲಕ ಅಥವಾ ಕೆಟಿಪಿಪಿ ಕಾಯ್ದೆ ಕಲಂ (4) ರಲ್ಲಿನ ವಿನಾಯಿತಿಗಳನ್ವಯ ಎಲ್ಲಾ ಸಂಗ್ರಹಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾಗುತ್ತದೆಂದು ಹಾಗೂ ಮೇಲಿನ ಸೂಚನೆಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಪ್ರಕರಣಗಳನ್ನು ಕಾಯ್ದೆಯನ್ವಯ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಲಾಗುತ್ತದೆಂದು ತಿಳಿಸಲಾಗಿದೆ.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ನಿಗಮದ ಎಲ್ಲಾ ಸಂಗ್ರಹಣಾ ಪ್ರಾಧಿಕಾರಿಗಳು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ 1999 ಹಾಗೂ ನಿಯಮಗಳು 2000 ರನ್ವಯ ಎಲ್ಲಾ ಸಂಗ್ರಹಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ ಹಾಗೂ ಮೇಲಿನ ಸೂಚನೆಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಪ್ರಕರಣಗಳನ್ನು ಸದರಿ ಕಾಯ್ದೆಯನ್ವಯ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಲಾಗುತ್ತದೆ.

ಈ ಸಂಬಂಧ, ದಿನಾಂಕ 22/12/2020 ರವರೆಗೆ ಮಾಡಲಾದ ತಿದ್ದುಪಡಿಗಳನ್ನೊಳಗೊಂಡ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಕಾಯ್ದೆ 1999 ಹಾಗೂ ನಿಯಮಗಳು 2000 ನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಆರ್ಥಿಕ ಇಲಾಖೆಯ ಅಂತರ್ಜಾಲದಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ. ಎಲ್ಲಾ ತಿದ್ದುಪಡಿಗಳನ್ನೊಳಗೊಂಡ ಸದರಿ ಕಾಯ್ದೆ ಮತ್ತು ನಿಯಮಗಳನ್ನು ನಿಗಮದ ಅಂತರ್ಜಾಲದಲ್ಲಿ ಸಹ ಅನುಸರಣೆಗಾಗಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ಉಪ ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು (ತಾಂತ್ರಿಕ)  
ಕವಿಪ್ರನಿ, ಬೆಂಗಳೂರು.

**ಪ್ರತಿಗಳು:-**

1. ಎಲ್ಲಾ ಮುಖ್ಯ ಇಂಜಿನಿಯರುಗಳು (ಎ), ಕವಿಪ್ರನಿ.
2. ಎಲ್ಲಾ ಆರ್ಥಿಕ ಸಲಹೆಗಾರರು, ಕವಿಪ್ರನಿ.
3. ಕಂಪನಿ ಕಾರ್ಯದರ್ಶಿ, ಕವಿಪ್ರನಿ, ಕಾವೇರಿ ಭವನ, ಬೆಂಗಳೂರು.
4. ಎಲ್ಲಾ ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್ (ಎ)/ (ಸಿವಿಲ್), ಕವಿಪ್ರನಿ.
5. ಎಲ್ಲಾ ಲೆಕ್ಕ ನಿಯಂತ್ರಣಾಧಿಕಾರಿಗಳು, ಕವಿಪ್ರನಿ.
6. ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರ್ (ಎ), (ಐಟಿ), ಕವಿಪ್ರನಿ, ಕಾವೇರಿ ಭವನ, ಬೆಂಗಳೂರು - ನಿಗಮದ ಅಂತರ್ಜಾಲದಲ್ಲಿ ಪ್ರಕಟಿಸಲು
7. ಎಲ್ಲಾ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರುಗಳು (ಎ)/ (ಸಿವಿಲ್), ಕವಿಪ್ರನಿ.
8. ಎಲ್ಲಾ ಉಪಲೆಕ್ಕ ನಿಯಂತ್ರಣಾಧಿಕಾರಿಗಳು, ಕವಿಪ್ರನಿ.
9. ಲೆಕ್ಕಾಧಿಕಾರಿ (ಕೋಡೀಫಿಕೇಷನ್), ಕವಿಪ್ರನಿ, ಕಾವೇರಿ ಭವನ, ಬೆಂಗಳೂರು.
10. ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು/ ನಿರ್ದೇಶಕರು (ಹಣಕಾಸು)/ ನಿರ್ದೇಶಕರು (ಪ್ರಸರಣ)/ ನಿರ್ದೇಶಕರು (ಆ ಮತ್ತು ಮಾ. ಸಂ) ರವರುಗಳ ಹಿರಿಯ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿಗಳು, ಕವಿಪ್ರನಿ, ಕಾವೇರಿ ಭವನ, ಬೆಂಗಳೂರು.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

**GOVERNMENT OF KARNATAKA**



ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ  
ಪಾರದರ್ಶಕತೆ ಕಾಯಿದೆ, 1999

**KARNATAKA TRANSPERENCY IN  
PUBLIC PROCUREMENTS ACT,  
1999**

(Updated up to 22-12-2020)

ಆರ್ಥಿಕ ಇಲಾಖೆ

**FINANCE DEPARTMENT**

**THE KARNATAKA TRANSPARENCY IN PUBLIC PROCUREMENTS ACT, 1999**  
(Received the assent of the Governor on the tenth day of December, 2000)

(First Published in the Karnataka Gazette Extraordinary on the thirteenth day of December, 2000)

**An Act to provide for ensuring transparency in public procurement of goods and services by streamlining the procedure in inviting, processing and acceptance [<sup>1</sup>“and includes Contract execution Management”] of tenders by Procurement Entities, and for matters related thereto.**

Whereas it is expedient in public interest to render the process of procurement of goods and services by Procurement Entities transparent by streamlining the procedure in inviting, processing and acceptance of tenders [<sup>2</sup>“and includes Contract execution Management”]

Be it enacted by the Karnataka State Legislature in the fiftieth year of the Republic of India as follows:-

**CHAPTER I**

**1. Short title and commencement.-**

1. This Act may be called the Karnataka Transparency in Public Procurements Act, 1999.
2. It shall be deemed to have come into force with effect from the Fourth day of October, 2000.

**2. Definitions.-** In this Act, unless the context otherwise requires.-

- a) ‘**Construction Works**’ means putting up, demolishing, repairs or renovation of buildings, roads, bridges or other structures including fabrication of steel structures and all other civil works;

[“(aa) **Contract Execution Management**’ means activities that are undertaken by the Procurement Entity for Construction Works, Goods and Services after issue of final letter of acceptance to the selected bidder, which include but are not restricted to creation of milestones and activities, creation of delivery schedules, measurement, inspection, processing of bills, creation of variation orders and payment.

<sup>1</sup>Inserted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

<sup>2</sup>Inserted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

*(ab) 'Electronic Reverse Auction' means an online real-time procurement technique utilized by the procuring entity to select the successful bid, which involves submission by technically qualified bidders of successively lowered bids during a prescribed period of time and the automatic evaluation of bids.*"<sup>3</sup>

b) **'Goods'** means Machinery, Motor Vehicles, Equipment, Furniture, Articles of Stationary, textiles raw materials, drugs, scientific instruments, chemicals, food grains, oil and oil seeds or other commodity required for consumption, use or distribution by a Procurement Entity in discharge of its public duties;

c) **'Government'** means the State Government;

*["(ca) **Karnataka Public Procurement Portal'** means a procurement platform of electronic media comprising of procurement process set up and managed by the State Government through integrated enabled procurement tools incorporated by customization."*"<sup>4</sup>

d) **'Procurement Entity'** means any Government Department, a State Government Undertaking, Local Authority or Board, Body or Corporation established by or under any law and owned or controlled by the Government, and any other body or authority owned or controlled by the Government and as may be specified by it.

e) **'Public Procurement'** or **'procurement'** means purchase of goods, obtaining of services or undertaking of construction works by the procurement entities;

f) **'Services'** means the action of serving, attending upon, helping or benefiting a Procurement Entity in the course of discharging its public duties and includes construction works;

g) **'Specified goods or Services'** means the goods or services as the case may be specified in a tender and identified in the contract resulting from acceptance of a tender on account of a procurement entity;

*["(h) **'Tender'** means the formal offer made for supply of goods or services or construction works and includes tenders done through 'Electronic Reverse Auctions' in response to an invitation*

<sup>3</sup> Clause (aa) and (ab) are substituted for clause (aa) and (aaa) by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

<sup>4</sup> Inserted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

*for tender published in the Karnataka Public Procurement Portal.”<sup>5</sup>*

- i) **‘Tender Accepting Authority’** means an officer or a Committee appointed to accept tenders and a ‘Tender Inviting Authority’ means an officer or a Committee appointed to invite tenders, under section 9;

*[“j) Omitted*

*k) Omitted”]<sup>6</sup>*

*[“l) Tender Document’ means the set of document including in electronic form detailing the schedule of works, calendar of events, requirement of goods and services, technical specifications, procurement criteria and such other particulars, as may be prescribed for evaluation and comparison of tenders.”]<sup>7</sup>*

*[“Provided that for the purpose of e-Procurement, the ‘tender papers’ means set of documents in electronic form.”]<sup>8</sup>*

**3. Provisions not to apply to certain Projects.-** The provisions of this Act in so far as they are inconsistent with the procedure specified in respect of the Projects funded by International Financial Agencies or Projects covered under International Agreements, shall not apply to procurement of goods or services for such project.

**4. Exceptions to applicability.-** The provisions of Chapter II shall not apply to Procurement of goods and services,-

- a) During the period of natural calamity or emergency declared by the Government ;
- b) Where the goods or services are available from a single source or where a particular supplier or contractor has exclusive rights in respect of the goods or services or construction work and no reasonable alternatives or substitutes exist:

Provided that for the purpose of this clause there shall be a committee of three experts consisting of one technical representative of the procuring entity one technical

<sup>5</sup> Substituted for clause (h) by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>6</sup> Clause (j) & (k) Omitted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>7</sup> Substituted for clause (l) by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>8</sup> Inserted by Act 13 of 2007 w.e.f. 27.11.2006

representative of the Government organization dealing with similar procurement and one representative from a reputed Academic or Research Institution or Non-Commercial Institution having expertise in such line to examine and declare that the goods or services are available from a single source;

- c) Where the procuring entity having procured goods, services or technology from a supplier or contractor determines that additional supplies must be procured from the same supplier or contractor for reasons of standardization and compatibility with the existing goods, service or technology;

[“d)Omitted”]<sup>9</sup>

- e) <sup>10</sup>*[where the procurement is by the Government Departments, State Government Undertakings, or any Board, Body or Corporation established by or under any law and owned or controlled by the Government or Zilla Panchayats constituted under the Karnataka Panchayat Raj Act, 1993 or City Municipal Corporations established under the Municipal Corporations Act, 1976 or City Municipal Councils established under the Karnataka Municipalities Act, 1964 or the Hyderabad Karnataka Areas Development Board constituted under the Hyderabad Karnataka Area Development Board Act, 1993 or Malnad Area Development Board constituted under the Malnad Area Development Board Act, 1991 or the Bayaluseeme Development Board constituted under the Bayaluseeme Development Board Act, 1994,-*

- (i) *in case of “[goods and services including construction works and consultancy services]”<sup>11</sup> of all types the value of which does not exceed rupees five lakhs;*

(ii) *[Omitted]*<sup>12</sup>

- ee) *here the procurement of goods or services is by the Grama Panchayats and Taluk Panchayats constituted under the Karnataka Panchayat Raj Act, 1993, Town Municipal Councils or Town Panchayats constituted under the Karnataka Municipalities Act, 1964 or Urban Development Authorities constituted under the Karnataka Urban Development Authorities Act, 1987,-*

<sup>9</sup> Clause (d) of section 4 omitted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>10</sup> Substituted vide Notification ಸಂಖ್ಯೆ: ಸಂವ್ಯಕ್ತಾಜ 33 ತಾಸನ 2001 ದಿನಾಂಕ: 06-10-2001.

<sup>11</sup> Substituted Karnataka Act No.12 of 2020 and came into effect from 27-04-2020.

<sup>12</sup> Omitted Karnataka Act No.12 of 2020 and came into effect from 27-04-2020.

(i) for the purpose of implementing mini water supply scheme or construction of school rooms and the value of such procurement does not exceed rupees two lakhs; and

(ii) for other purposes and the value of such procurement does not exceed rupees one lakh"]

[“eee) Where the procurement is by the procurement entity receiving grant from the Consolidated Fund of the State, in case of Infrastructure works of electrification of drinking water schemes the value of which does not exceed rupees five lakhs;”]<sup>13</sup>

f) Where the goods or services are procured under rate contracts from the Director General of Supplies and Disposals or from the Stores Purchase Department of the State; and

g) in respect of specific procurements as may be notified by the Government from time to time.

h) in respect of spot purchase of cotton by Spinning Mills, purchase of oil seeds by the Karnataka Agro-Industries Corporation or the Karnataka Co-operative Oil Seeds Grower's Federation, purchase of sugarcane by Sugar Mills, direct purchase of paddy by the Agricultural Produce Market Committees and the Karnataka Food and Civil Supplies Corporation, purchase of cloth by the Karnataka Handloom Development Corporation, purchase of silk by the Karnataka Silk Industries Corporation, purchase of milk by the Karnataka Milk Producers Co-operative Federation, purchase of palm oil by the Karnataka Food and Civil Supplies Corporation and the Karnataka Co-operative Oil Seeds Grower's Federation, purchase of cloth by the Government Departments and public sector undertaking from the Karnataka Handloom Development Corporation and purchase by such other organizations or purchase of any other material as may be notified by the Government from time to time.

## **CHAPTER II REGULATION OF PROCUREMENT**

**5. Procurement other than by Tender Prohibited.-** On and from the date of commencement of this Act no Procurement Entity shall procure goods or services except by inviting Tenders for supply.

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<sup>13</sup> Inserted vide Act No. 20 of 2015 w.e.f. 02-05-2015.



**6. Procurement Entities to follow Procedure.-** No tender shall be invited, processed or accepted by a Procurement Entity after the commencement of this Act except in accordance with the procedure laid down in this Act or the rules made there under.

*[“Provided that, the tender inviting authority shall, in the notified Departments out of those construction works, value of which does not exceed Rs.50.00 lakhs such number of works not exceeding 17.15 percent be tendered only among the tenderers belonging to the Scheduled Castes Category and such number of works not exceeding 6.95 percent be tendered only among tenderers belonging to the Scheduled Tribes Category, by taking out notices, communications and publications required to be taken following the prescribed procedures:*

*Provided further that, if no tender from persons belonging to the Scheduled Castes or Scheduled Tribes as the case may be, is received in response to the invitation in two attempts such works may be tendered among others.*

*Explanation: For the purpose of this proviso.-*

- 1. “Scheduled Castes” shall have reference to the Scheduled Castes specified in part VII of the Constitution (Scheduled Castes) Order, 1950 made under Article 341 of the Constitution of India and as amended from time to time;*
- 2. “Scheduled Tribes” shall have reference to the Scheduled Tribes specified in part VI of the Constitution (Scheduled Tribes) Order, 1950 made under Article 342 of the Constitution of India and as amended from time to time.”<sup>14</sup>*

**[“6A. Procurement through Electronic Reverse Auction.-** The procedure to be followed and the category of procurements which shall be subject to Electronic Reverse Auctions shall be as may be prescribed.

**6B. Procurement through Government e-Market place (GeM) :**

*Where the goods or services are procured through on line at Government e-Marketplace (GeM) created by Government of India which is an end to end procurement system for commonly used goods and services for Government buyers subject to such norms as may be prescribed and from the date as may be notified by the Government.*

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<sup>14</sup> Inserted vide Act No. 31 of 2017 w.e.f. 29-06-2017

**6C. Preferences to Micro & Small Enterprises :**

To encourage Micro and Small Enterprises, preferences may be given to them in such manner subject to such conditions as may be prescribed by the Government.

**Explanation:-** "For the purpose of this Section, Micro and Small Enterprises shall have the same meaning as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006 )"<sup>15</sup>

**["7. The Karnataka Public Procurement Portal.-** (1) The State Government shall set up and maintain a State Public Procurement Portal accessible to the public for posting and exhibiting matters relating to public procurement.

(2) Every procurement under this Act shall be carried out through the Karnataka Public Procurement Portal.

(3) Each procuring entity shall cause the procurement related information to be exhibited as required under this Act or the Rules made there under on the portal referred to in sub-Section (1).

(4) Each procuring entity shall carry out Contract execution Management in the Karnataka Public Procurement Portal with effect from such date and in such Departments as may be notified by the Government."<sup>16</sup>

**["8. Omitted"]<sup>17</sup>**

**9. Tender Inviting Authority and Tender Accepting Authority.-**

(1) The Procurement Entity may, by order, appoint, -

(i) one or more of officers or a Committee of Officers to be the Tender Inviting Authority for any specified area, specified procurement or specified class of goods or services, and

(ii) one or more of officers or a Committee of Officers to be the Tender Accepting Authority for any specified area or Specified Procurement, specified class of goods and services:

<sup>15</sup> 6A,6B & 6C are inserted Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>16</sup> Substituted for section 7 by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

<sup>17</sup> Section 8 omitted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

Provided that where a multi-member Committee is already appointed for any Procurement Entity for discharging the function of accepting tenders, such Committee shall be deemed to be a Tender Accepting Authority appointed under this Act.

**10. Tender Scrutiny Committee.-** The Tender Accepting Authority may constitute a Tender Scrutiny Committee consisting of such persons as it deems fit to scrutinize tenders above five crores in the case of the Public Works, Irrigation and Minor Irrigation Departments of the Government and above rupees one crore in other cases.

**11. Opening of Tenders.-**

1. The Procurement entity may authorise either the Tender Inviting Authority or the Tender Accepting Authority or any other Officer to open the Tenders and draw up a list of Tenderers responding to the notice inviting tender, in each case.
2. The Authority, or as the case may be the officer referred to in sub-section (1) shall open the tender, draw up a list of tenderers in the prescribed manner and unless it is also the Tender Accepting Authority, forward the tenders along with the list of tenderers, to the Tender Accepting Authority.

**12. Duties of Tender Inviting Authority.-**

1. It shall be the duty of every Tender Inviting Authority,-
  - a) to take out notice inviting tenders at the behest of the Procurement Entity in the prescribed manner;
  - ["b) Omitted;"]<sup>18</sup>*
  - ["c) to cause publication of notice inviting tenders in the prescribed manner on the Karnataka Public Procurement Portal;"]<sup>19</sup>*
  - ["d) to make available Tender Documents to every intending tenderer on the Karnataka Public Procurement Portal.*

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<sup>18</sup> Clause (b) omitted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>19</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

e) *The details of tenders received in response to the notice inviting tender shall be compiled and made available to the Authority or officer authorized to open the tenders on the Karnataka Public Procurement Portal.*<sup>20</sup>

2. The Tender Inviting Authority shall take out notices, communications and publications required to be taken out under this section in such form, in such manner, by such mode and at such time and interval as may be prescribed and different manner and mode of publication may be prescribed for different procurements depending on the value of the procurement.

3. The Tender Inviting Authority shall collect all the details received in response to the notice inviting tender, within the time stipulated and unless it is itself authorized to open the tender shall compile and forward all the tenders received to the Authority or Officer authorized to open the tenders.

**13. Acceptance of Tender.-** The Tender Accepting Authority shall, after following such procedure as may be prescribed pass order accepting the tender and shall communicate the information relating to acceptance of tender together with a comparative analysis and reasons for accepting of tender to the procurement entity and [*on the Karnataka Public Procurement Portal.*]<sup>21</sup>

Provided that where the Tender Accepting Authority consists of single officer who is due to retire within the next six months, from the date fixed for the acceptance for tender, he shall not act to accept the tender without obtaining prior approval of the Procurement Entity:

Provided further that subject to such general or special order as may be issued by the Government from time to time, the Tender Accepting Authority may before passing order accepting a tender negotiate with lowest tenderer.

**14. General rejection of tenders.-**

1. The Tender Accepting Authority may at any time before passing an order of acceptance under section 13 reject all the tenders on the ground of changes in the scope of procurement, failure of anticipated financial resource, accidents, calamities or any other ground as may be

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<sup>20</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>21</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

prescribed which would render the procurement unnecessary or impossible and report the same to the Procurement Entity.

2. The Procurement Entity shall thereafter communicate the fact of the rejection under this section to all the Tenderers and also cause the same to be published in the [*the Karnataka Public Procurement Portal.*]<sup>22</sup>

**[“14A. Debarment of Tenderers.-** (1) *The Procurement Entity may debar tenderers, for a period not exceeding three years, from participation in its tenders, following such procedure as may be prescribed on the ground that tenderer is engaged in corrupt or fraudulent practices in competing or executing the contract including misleading the procuring entity at any stage of Procurement Activity with a fraudulent intention:*

*Provided that, no tenderer shall be debarred without giving opportunity of being heard.*

- (2) *The State Government may debar tenderers for a period not exceeding three years, from participating in any procurement activity within the State, following such procedure as may be prescribed, on grounds of, but not restricted to, criminal offence, corruption, integrity, honesty and work ethics:*

*Provided that no tenderer shall be debarred without giving opportunity of being heard.*

- (3) *The State Government shall publish the list of so debarred tenderers under sub-section (2) from participating in any procurement activity on the Karnataka Public Procurement portal.*

- (4) *The tenderer so debarred under sub section (2) shall not be entitled to apply to participate in tenders called by any procurement entity under this Act during the period so debarred.”*<sup>23</sup>

**15. Power to give directions.-** It shall be competent for the Government to give appropriate directions to the Procurement Entity or the Authorities under this Act in order to secure and maintain transparency at any stage of the process of

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<sup>22</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>23</sup> Inserted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

procurement, and it shall be duty of the Procurement Entity or such authority to comply with the directions.

**16. Appeal.-**

1. Any tenderer aggrieved by an order passed by the Tender Accepting Authority other than the Government under section 13 may appeal to the prescribed authority within ["fifteen"]<sup>24</sup> days from the date of receipt of the order:

Provided that the prescribed authority may, in its discretion allow further time not exceeding ["fifteen"]<sup>25</sup> days for preferring any such appeal, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

2. The prescribed authority may after giving opportunity of being heard to both the parties pass such order thereon as it deems fit and such order shall be final.
3. The prescribed authority shall as far as possible dispose of the appeal within thirty days from the date of filing thereof.

**17. Power to obtain information.-** Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may with a view to ensuring transparency call for and obtain, from any Authority under this Act, any information relating to any matter in the process of procurement.

**18. Power to call for records.-** The Government may at any time, with a view to ensuring transparency in the procurement process call upon any authority under this Act,-

- i. to produce records relating to invitation, processing and acceptance of tenders ;
- ii. to furnish the tender document, estimates/statements/accounts or statistics relating to such tenders; and.
- iii. to furnish report on any specific point incidental to the procurement.

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<sup>24</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

<sup>25</sup> Substituted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019

**CHAPTER II A**  
**E – PROCUREMENT**

*[“18A. Omitted.”]<sup>26</sup>*

**CHAPTER III**  
**MISCELLANEOUS**

- 19. Officers deemed to be Public Servants.-** Every Officer acting under or in pursuance of the provisions of this Act or under a rule, order or notification made there under, shall be deemed to be a public servant within this meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).
- 20. Immunity for action taken in good faith.-** No suit or other legal proceeding shall lie against the Government or any officer or authority empowered to exercise powers or perform the functions under the Act in respect of anything which is in good faith done or intended to be done under this Act.
- 21. Bar of Jurisdiction of Courts.-** Save as otherwise provided in this Act no order passed or proceedings taken by any officer or authority under this Act shall be called in question in any court, and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority in exercise of powers conferred on him or it, by or under this Act.
- 22. Act to override other laws.-** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage, agreement, decree or order of a Court or a Tribunal or other Authority.
- 23. Penalty:-** Whoever contravenes the provisions of this Act or the rules made there under shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.
- 24. Power to remove difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette make such provisions not inconsistent with the provisions of the Act as appear to them to be necessary or expedient for removing the difficulty:

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<sup>26</sup> Omitted by Karnataka Act No. 6 of 2019 and came into effect from 24-01-2019.

Provided that no such order shall be made after this expiry of a period of two years from the date of commencement of the Act.

**25. Power to make rules.-**

1. The Government, may by notification, make such rules as are necessary for carrying out the purposes of this Act.
2. Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is laid or the sessions immediately following both Houses agree in making any modifications in the rule, notification or order or both Houses agree that the rule, notification or order shall not be made, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

**26. Savings.-** All rules, regulations, orders, notifications departmental codes, manuals, bye-laws, official Memoranda, circular or any other order made or issued before the commencement of this Act and in force on the date of such commencement providing for or relating to any of the above matters for the furtherance of which this Act is enacted shall continue to be in force and effective as if they are made under the corresponding provisions of this Act, to the extent they are not inconsistent with the provisions of this Act and unless and until superseded by anything done or any action taken or any rule, notification or order, is made under this Act.

**27. Repeal and savings.-**

1. The Karnataka Transparency in Public Procurements Ordinance, 2000 (Karnataka Ordinance No. 8 of 2000) is hereby repealed.
2. Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under this Act.

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**GOVERNMENT OF KARNATAKA**



ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ

ಪಾರದರ್ಶಕತೆ ನಿಯಮಗಳು, 2000

**KARNATAKA TRANSPERENCY IN  
PUBLIC PROCUREMENTS RULES,  
2000**

(Updated up to 22-12-2020)

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**FINANCE DEPARTMENT**

**THE KARNATAKA TRANSPARENCY IN PUBLIC  
PROCUREMENTS RULES, 2000**  
No. PWD/154/FC-III/2000 Dated 24th October 2000

**NOTIFICATION**

**CHAPTER - I  
PRELIMINARY**

In exercise of the powers conferred by Sub Section (1) of Section 23 of the Karnataka Transparency in Public Procurement Ordinance 2000, the Government of Karnataka hereby makes the following Rules namely:-

**1. Short title and commencement:-**

- a) These rules may be called the Karnataka Transparency in Public Procurements Rules, 2000,
- b) They shall come into force on the date of Publication in the Gazette.

**2. Definitions:** In these rules, unless the context otherwise requires

- a) "**Earnest money deposit**" means the amount required to be deposited by a tenderer along with his tender indicating his willingness to implement the contract;

*["(aa) "corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of the public official in the procurement process or in contract execution;*

*(ab) "fraudulent practice" means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the Procurement Entity, and includes collusive practice among the tenderers either prior to or after tender submission, designed to establish tender prices at artificial non-competitive levels and to deprive the Procurement Entity of the benefits of free and open competition;"]<sup>1</sup>*

- b) "**Pre-qualification**" means the process by which the tenderers are first screened for their capability and resources to implement the contract before they are permitted to offer their tenders;

- c) "**[Two Tender Document System]**"<sup>2</sup> means a procedure under which the tenderers are required simultaneously submit two separate ["*electronic documents, first*"]<sup>3</sup> containing the Earnest Money Deposit and the details of their capability to undertake the tender which will

<sup>1</sup> Inserted vide notification No.FD 884 EXP-12/2019 Dated: 07-05-2020.

<sup>2</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019

<sup>3</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019

be opened first and the second containing the price quotation which will be opened only if the tenderer is found to be qualified to execute the tender;

- d) [**Two-stage Tender System.**-means a procedure under which tenders for turn-key contractors are invited in two stages, the first stage un priced tender being a technical tender only on the basis of conceptual design or performance specifications subject to technical as well as commercial clarifications and adjustments to be followed by amended tender documents and the submission of final technical proposals and priced tenders in the second stage.]<sup>4</sup>
- e) [**Consultancy Services.**-includes activities such as Policy Advices, Institutional reforms, Management, Engineering Services, Construction Supervision, Financial Services, Investment and Merchant Banking Services, Social and Environmental Studies, Identification, preparation and implementation of projects to complement Government of Karnataka capabilities;
- f) "**Consultants**" means Individuals, Firms or Organizations engaged for providing Consultancy Services in accordance with Chapter VI A.
- g) "**Client**" means the Procurement Entity engaging the Consultants,
- h) "**Party**" includes the Client or the Consultant, as the case may be and "Parties" means both of them."<sup>5</sup>
- i) [**Tender processing Fee** – means the non-refundable fee specified by the competent authority to be paid by the individual supplier for participation in tenders floated on the Karnataka Public Procurement Portal."<sup>6</sup>

## CHAPTER - II GENERAL

**3. Categories of procurement:-** (1) For the purposes of the application of these rules, procurement is categorized as follows, namely:-

- [“(i) Construction;  
(ii) Supply of goods and services; and  
(iii) Consultancy Services.”]<sup>7</sup>

<sup>4</sup> Inserted vide No. PWD 33 FC-3/2003 dated: 05-03-2003.

<sup>5</sup> Inserted vide No. PWD 121 SO/FC 2003 dated: 26-09-2003.

<sup>6</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>7</sup> Substituted vide No. PWD 121 SO/FC 2003 dated: 26-09-2003.

**[“3A. Procurement through Government e-market place {hereinafter referred as GeM}.”-(1) The Procurement entity shall procure the goods and services through GeM portal subject to the following conditions, namely:-**

- (i) the goods and services available on GeM portal and meeting the requisite standards of quality, specification and delivery period may be procured;
- (ii) the goods and services up to the value prescribed under clause (e) and (ee) of Section 4 of the Act may be procured directly through any of the available suppliers by following the procedure provided on the GeM portal;
- (iii) the goods and services exceeding the limit prescribed under clause (e) and (ee) of section 4 of the Act, shall be procured after calling for the tenders using online bidding or reverse auction tool provided on the GeM portal; and
- (iv) the automobiles required for the use of office may be procured directly after getting the requisite sanction from the competent authority.

(2) The Concessions and exemptions, if any, provided on the GeM Portal may be availed while procuring the goods and services.”<sup>8</sup>

### **CHAPTER - III PUBLICITY**

- 4. [“Omitted”]<sup>9</sup>
- 5. [“Omitted”]<sup>10</sup>
- 6. [“Omitted”]<sup>11</sup>
- 7. [“Omitted”]<sup>12</sup>
- 8. [“Omitted”]<sup>13</sup>

**9. Details to be mentioned in notice inviting tenders:-** The Notice inviting Tenders [“shall be published on the Karnataka Public Procurement Portal and”]<sup>14</sup> shall contain the Following details, namely,-

- (a) The name and address of the procuring entity and the designation and address of the Tender Inviting authority;

<sup>8</sup> Inserted vide notification No.FD 884 EXP-12/2019 Dated: 07-05-2020.

<sup>9</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>10</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>11</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>12</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>13</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>14</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

- (b) Name of the scheme, project or programme for which the procurement is to be effected;
- (c) [*"The date and time upto which, and from where the tender documents can be accessed;"*]<sup>15</sup>
- (d) The amount of earnest money deposit payable;
- (e) The last date and time for receipt of tenders;
- (f) [*"The date and time for opening of tenders received; and"*]<sup>16</sup>
- (g) any other information which the Tender Inviting authority considers relevant.

**10. Publication of notice inviting tenders in newspapers:-**

- (1) [*"The advertisement in newspaper shall be brief; containing the title of construction works or goods or services sought to be procured, last date and time of receipt of tender and shall also provide reference to the web address of the Karnataka Public Procurement Portal where tender document details are available."*]<sup>17</sup>
- (2) The number, editions and language of the newspapers in which the notices inviting tenders shall be published will be based on the value of procurement as per departmental rules.
- (3) In cases where publication of Tender Notices is to be done only in newspapers with circulation within the District, the Information and Publicity Officer of the District shall be the competent authority to release the advertisement and in all other cases the competent authority shall be the Director of Information and Publicity Bangalore.
- (4) [*"Omitted"*]<sup>18</sup>

**CHAPTER - IV  
NOTICE INVITING TENDERS AND  
TENDER DOCUMENTS**

**11. Technical specifications contained in the tender documents:-**

- (1) The technical specifications contained in the tender documents shall include a detailed description of what is proposed to be procured.

<sup>15</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>16</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>17</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>18</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

- (2) Unbiased technical specifications shall be prepared by observing the following safeguards, namely:-
- (a) Use of brand names and catalogue numbers shall be avoided and where it becomes unavoidable, along with the brand name the expression "or equivalent" shall be added;
  - (b) Wherever possible the appropriate Indian Standards with the number shall be incorporated;
  - (c) In the case of construction tenders, detailed estimates shall be prepared by the competent technical authorities based on the schedule of rates and standard data as revised from time to time.

**12. Commercial conditions:-**

- (1) The tender documents shall require all tenderers to pay an earnest money deposit at the rates as per the departmental rules by means of a demand draft, bankers' cheque, specified small savings instruments [*online or offline modes of e-payment and/*]<sup>19</sup> or where the procuring entity deems fit, irrevocable bank guarantee in a specified form of the department. The tender documents shall clearly state that any tender submitted without the earnest money deposit be summarily rejected.

Provided that any category of tenders specifically exempted by the Government from the payment of earnest money deposit will not be required to make such a deposit.

- (2) The tender documents shall specify the period for which the tenderer should hold the prices offered in the tender valid.

Provided that the initial period of validity shall not be less than ninety days.

- (3) The tender documents shall require that as a guarantee of the tenderer's performance of the contract, a security deposit be taken from the successful tenderer as per departmental rules.
- (4) The tender documents and the contract shall include a clause for payment of liquidated damages and penalty payable by the tenderer in the event of non-fulfillment of any of the terms or whole of the contract.
- (5) The tender documents shall indicate the quantity proposed to be procured in the tender, and the Tender Accepting authority shall

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<sup>19</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

be ordinarily permitted to vary the quantity finally ordered only to the extent of twenty five percent either way of the requirement indicated in the tender documents.

### **13. Supply of tender documents:-**

- (1) The Tender Inviting Authority shall make available the tender documents from the date indicated in the notice inviting tender.
- (2) [*"The Tender documents shall be available for download free of cost from the date and time of publication of the tenders on the Karnataka Public Procurement Portal till the last date and time or the extended time of submission under Rule 15."*]<sup>20</sup>

**14. Clarification to tender documents:-** At any time after the [*"uploading"*]<sup>21</sup> of the tender documents and before the opening of the tender, the tender Inviting authority may make any changes modifications or amendments to the tender documents and [*"these shall be notified on the Karnataka Public Procurement Portal through issue of Addendum or Corrigendum or Clarification and they shall form part of original tender document."*]<sup>22</sup>

## **CHAPTER - V RECEIPT OF TENDERS AND TENDER OPENING**

### **15. [*"Date"*]<sup>23</sup> and time for receipt of tenders:-**

- (1) [*"The Tender Inviting Authority shall fix the last date and time for online submission of the tenders subject to the provisions provided under rule 17."*]<sup>24</sup>
- (2) [*"Omitted"*]<sup>25</sup>
- (3) The Tender Inviting Authority may extend the last date and time for receiving tenders after giving adequate notice [*"on the Karnataka Public Procurement Portal"*]<sup>26</sup> where:-
  - (a) The publication of the tender notice has been delayed;
  - (b) The communication of changes, in the tender documents to the prospective tenderers under rule 14 took time;
  - (c) Any other reasonable grounds exist, for such extension, which shall be recorded in writing by the Tender Inviting Authority.
- (4) [*"(a) The Tenderers shall digitally sign their bids with their valid Digital Signature Certificate (DSC) as issued under the Information Technology Act, 2000 (Central Act 21 of 2000); and*

<sup>20</sup> Substituted for sub rule (2) and (3) vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>21</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>22</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>23</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>24</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>25</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>26</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

(b) It shall be the responsibility of the tenderers to ensure that their tender is submitted in the Karnataka Public Procurement Portal within the last date and time specified for the receipt of the tenders.”<sup>27</sup>

**16. [“Omitted”]<sup>28</sup>**

**17. Minimum time for submission of tenders:-**

(1) Tender Inviting Authority shall ensure that adequate time is provided for the submission of tenders and minimum time is allowed [“from the time of the publishing in the Karnataka Public Procurement Portal and”]<sup>29</sup> the last date for submission of tenders. This minimum period shall [“not be less than the period mentioned below”]<sup>30</sup>:-

(a) For tender upto rupees two crores in value, [“fifteen”]<sup>31</sup> days, and

(b) For tenders in excess of rupees two crores in value [“thirty”]<sup>32</sup> days

(2) Any reduction in the time stipulated under sub-rule (1) has to be specifically authorized by an authority superior to the Tender Inviting Authority for reasons to be recorded in writing. [“This reduced time shall not be less than seven days.”]<sup>33</sup>

(3) [“The last date for submission of tenders, so fixed, shall be on the working day and time shall be mandatorily between 10.00 hrs and 17.30 hours only.”]<sup>34</sup>

**18. [“Opening of tenders:-** The Tender Inviting Authority or representative can open tender in the Karnataka Public Procurement Portal at the designated date and time, without requiring the presence of bidders.”]<sup>35</sup>

**19. Procedure to be followed at tender opening:-** the following procedure shall be followed at the tender opening:-

(a) [“List of submitted tenders termed as RECEIVED and list of incomplete tenders termed as DRAFT shall be displayed.

(b) All tender payments successfully received shall be displayed.

<sup>27</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>28</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>29</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>30</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>31</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>32</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>33</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>34</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>35</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.



- (c) *The Tenders which have been submitted in Karnataka Public Procurement Portal and whose tender payments were successfully received shall be opened.*
- (d) *The name of the tenderers shall be published in the Karnataka Public Procurement Portal.*<sup>36</sup>
- (e) The fact whether earnest money deposit has been made and other documents required have been produced may be indicated, but this shall be merely an examination of the documents and not an evaluation;
- (f) [*“Omitted”*]<sup>37</sup>

**20. Tender scrutiny committee:-**

- (1) Tender Accepting Authority may constitute a Tender Scrutiny Committee consisting of such officers as it deems fit to scrutinize the tender documents, [*“xxxxx”*]<sup>38</sup> carry out the preliminary examination and detailed evaluation of the tenders received and to prepare an evaluation report for the consideration of the Tender Accepting Authority.
- (2) The Tender accepting authority shall constitute the Tender Scrutiny Committee, where the value of tender exceeds rupees five crores in respect of public works, irrigation department and minor irrigation department and one crore in respect of all the other departments.

**CHAPTER - VI  
TENDER EVALUATION**

**21. Tender evaluation to be in accordance with evaluation Criteria:-** The Tender Accepting Authority shall cause the evaluation of tenders to be carried out strictly in accordance with evaluation criteria indicated in tender documents.

**22. Time taken for evaluation and extension of tender validity:-**

- (1) The evaluation of tenders and award of contract shall be completed, as far as possible, within the period for which the tenders are held valid.
- (2) The Tender Accepting Authority shall seek extension of the validity of tenders from the tenderers for the completion of evaluation, if it is not completed within the validity period of tender.

<sup>36</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>37</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>38</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

- (3) In case the evaluation of tenders and award of contract is not completed within extended period, all the tenders shall be deemed to have become invalid and fresh tenders may be called for.

**23. Process of tender evaluation to be confidential until the award of the contract is notified:-**

- (1) The Tender Inviting Authority shall ensure the confidentiality of the process of tender evaluation until orders on the tenders are passed.
- (2) Tenderers shall not make attempts to establish unsolicited and unauthorized contact with the Tender Accepting authority, Tender Inviting Authority or Tender Scrutiny Committee after the opening of the Tender and prior to the notification of the Award and if any attempt by the tenderer to bring to bear extraneous pressures on the Tender Accepting authority shall be sufficient reason to disqualify the tenderer.
- (3) Notwithstanding anything contained in sub-rule (2), the Tender Inviting authority or the Tender Accepting authority or the Tender Scrutiny Committee may seek bonafide clarifications from tenderers relating to the tenders submitted by them during the evaluation of tenders.

**24. Initial examination to determine substantial responsiveness:-**

- (1) The Tender Inviting Authority shall cause an initial examination of the tenders submitted to be carried out in order to determine their substantial responsiveness.
- (2) During the initial examination the following factors shall be considered, namely:-
  - a) Whether the tenderer meets the eligibility criteria laid down in the tender documents;
  - b) Whether the crucial documents have been duly signed;
  - c) Whether the requisite earnest money deposit has been furnished;
  - d) Whether the tender is substantially responsive to the technical specifications set out in the bidding documents including the testing of samples where required.
- (3) Tenders which on initial examination are found not to be substantially responsive under any of the clauses under sub-rule (2) may be rejected by the Tender Accepting Authority.

## 25. Determination of the lowest evaluated price:-

- (1) Out of the tenders found to be substantially responsive after the initial examination the tenderer who has bid the lowest evaluated price in accordance with the evaluation criteria or tenderer scoring the highest on the evaluation criteria specified as the case may be, shall be determined.
- (2) In determining the lowest evaluated price, the following factors shall be considered, namely:-
  - (a) ["Omitted"]<sup>39</sup>
  - (b) ["Omitted"]<sup>40</sup>
  - (c) adjustments to the price quoted shall be made for deviations in the commercial conditions such as the delivery schedules and minor variations in the payment terms which are quantifiable but deemed to be non-material in the context of the particular tender;
  - (d) The evaluation shall include all central duties such as customs duty and central excise duty inclusive of local levies as a part of the price.
  - (e) In the case of purchase of equipment, the operation and maintenance and spare part costs for appropriate periods as may be specified in bid documents may be quantified, where practicable and considered.

*["Provided that for a period of five years from 01.10.2014, Goods manufactured by Micro and Small Enterprise located in the State shall be given fifteen percent price preference against the large and Medium Industries of the State and Industries of other States during Government Departments purchases, subject to the following conditions, namely:-*

1. *An enterprise shall be registered with the Director of Industries and Commerce, Government of Karnataka as a Micro and Small Enterprises, under Micro Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006); and*
2. *An enterprise shall produce a certificate obtained from the said authority certifying that it is a Micro and Small Enterprises.]<sup>41</sup>*

<sup>39</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>40</sup> Omitted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>41</sup> Substituted vide notification No. FD 130 Exp-12/2015 dated: 08-09-2015.

*[Provided further that nothing contained in the first proviso shall apply for the purchase of pumpsets under Ganga Kalyan Scheme being implemented by the Social Welfare Department]<sup>42</sup>*

*(f) [in a tender where the tenderers are both from the State of Karnataka as well as from outside the State of Karnataka, the Sales Tax/Vat shall be excluded for the evaluation of the price.]<sup>43</sup>*

## **26: Preparation of evaluation report and award of tenders:**

(1) Tender Scrutiny Committee or the officer inviting the tender shall prepare detailed evaluation report which shall be considered by the Tender Accepting Authority before taking a final decision on the tender.

(2) *["The system shall auto generate a statement of evaluation of the tenders with comparative statement for consideration of Tender Accepting Authority.]<sup>44</sup>*

*[(2A) Tender Accepting Authority shall pass suitable orders after evaluating the tenders, as per Rule 25.*

*(2B) The order of the Tender Accepting Authority along with the comparative statement shall be uploaded in the Karnataka Public Procurement Portal.*

*(2C) Tender Inviting Authority shall communicate the same to the successful tenderer.]<sup>45</sup>*

(3) Within such reasonable time as may be indicated in the tender documents, the tenderer whose tender has been accepted will be required to execute the contract agreement in the specified format

(4) In case the successful tenderer fails to execute necessary agreement under sub rule (3) within the period specified, then Earnest Money Deposit shall be forfeited and his tender held as non-responsive.

*["(5) Micro and Small Enterprises registered with NSIC under a single point vendor registration scheme, shall be facilitated by providing tenders sets free of cost, exempting from payment of Earnest Money Deposit during purchases by all Government Department and State owned PSUs.]<sup>46</sup>*

<sup>42</sup> Inserted vide notification No. PWD 66 FC-3/2007 dated: 03-07-2007 w.e.f. 16-07-2007.

<sup>43</sup> Inserted vide notification No. 130 Exp-12/2015 dated: 08-09-2015.

<sup>44</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>45</sup> Inserted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>46</sup> Inserted vide notification No. FD 130 Exp-12/2015 dated: 08-09-2015.

[“(6) To enable wider dispersal of enterprises particularly in rural areas, the Government Departments and State owned PSUs shall procure 358 items from the Micro and Small Enterprises, which have been reserved for exclusive purchase from among them as per Ministry of MSME, GoI order S.O 581 (E) dt:23.3.2012” or as revised by Ministry of MSME from time to time subject to the following conditions, namely:-

- (i) An enterprise shall be registered with the Director of Industries and Commerce, Government of Karnataka as a Micro and Small Enterprises, under Micro Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006);
- (ii) An enterprise shall produce a certificate obtained from the said authority certifying that it is a Micro and Small Enterprises.
- (iii) The Procurement Entity shall procure these items by following KTPP Act and Rules.
- (iv) If no tenderer participates in the first two tenders or if there is a single tender in the first two tenders, this sub Rule shall not be applicable for those tenders.”<sup>47</sup>

**[“26A. Debarment of Tenderers by Procurement Entity.-** (1) The Procurement Entity may proceed with debarring such tenderer or contractor or supplier or any of the successor of the tenderer or contractor or supplier who has engaged directly or through an agent in a corrupt or fraudulent practices in participating or competing or executing the contract including misleading the Procurement Entity at any stage of procurement and executing activity.

- (2) The Procurement Entity may, by order, appoint a Committee consisting of such officers not below the rank of Tender Inviting Authority to be the Debarment Committee to consider the proposals for debarring bidder or contractor or supplier and to take a decision thereof.
- (3) On the receipt of information, Debarment Committee shall provide a reasonable opportunity, including an oral hearing, to the concerned for making representations before taking a decision.
- (4) For consideration of debarment, Tender Inviting Authority or any other officer authorized by Tender Accepting Authority shall furnish the details of such bidders or contractors or suppliers who have engaged in corrupt practice and fraudulent practices to the Debarment Committee constituted under sub rule (2) above.

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<sup>47</sup> Inserted vide Notification No. FD 130 Exp-12/2015 Dtd 10-10-2017.

- (5) The Debarment Committee may make recommendations with reasoning in writing, within thirty days from date of receipt of information.

*Provided that, the said period may be extended by another fifteen days by Procurement Entity for the reasons to be recorded in writing.*

- (6) On the recommendations of the Debarment Committee, the Procurement Entity shall by notification debar any of tenderer or contractor or supplier and publish the same on its website and Karnataka Public Procurement Portal and also maintain the list of such tenderer or contractor or the supplier or any of its successors.
- (7) The order of debarment shall be deemed to have been automatically revoked on the expiry of the period specified in the debarment order.

**26B. Debarment by the Government.-** (1) The Government may debar a tenderer or contractor or supplier, in the public interest and on the grounds specified in the Act.

- (2) There shall be a State Level Debarment Committee consisting of such Officers as may be notified by the State Government to consider the proposals for debarring bidder or contractor or supplier and to take a decision thereof.
- (3) On the receipt of the information, the State Level Debarment Committee shall provide a reasonable opportunity, including an oral hearing, to the concerned for making representations before taking a decision on the debarment.
- (4) For consideration of debarment of the bidders or contractors or suppliers, the officer authorized by the Procurement Entity shall furnish the details of such bidders or contractors or suppliers to the State Level Debarment Committee constituted under sub rule (2) above;
- (5) The State Level Debarment Committee may make recommendation to the State Government to such an effect, within thirty days, from the date of receipt of the information:

*Provided that, the said period may be extended by another fifteen days for the reasons to be recorded in writing by the Debarment Committee.*

- (6) On the recommendation of the State Level Debarment Committee, the Government shall debar by notification such tenderer or contractor or supplier and publish the same on the Department website as well as Karnataka Public Procurement Portal and shall maintain the list of such bidder or contractor

or the supplier or any of its successor.

- (7) The debarred tenderer or contractor or supplier shall be removed from the list of registered contractors or vendors.
- (8) The order of debarment shall be deemed to have been automatically revoked on the expiry of the specified period in the debarment order.

**26C. Measures to be taken after Debarment.-** The Procurement Entity may take appropriate measures in respect of debarred tenderer or contractor or supplier including one or more of the following, namely:-

- (i) reject the bid and forfeit or encash EMD or Bid Security;
- (ii) terminate the contract; forfeit or encash the performance guarantee; recover the compensation of loss incurred by Procurement Entity;
- (iii) forfeit or encash any other security or guarantee or bond provided by such tenderer or contractor or supplier in relation to the such procurement; and
- (iv) recover payments including advance payments, if any, made by the Procurement Entity along with the interest thereon at the prevailing rate of Nationalized Bank.

**26D. Contract Management.-**(1) The Procurement entity, as may be notified by the Government from time to time, shall undertake Contract Execution Management from the date of such notification on the Karnataka Public Procurement Portal in respect of works, goods and services exceeding the value of the contract as may be notified by the Government from time to time.

(2) All the activities and processes relating to the Contract Management shall be created, entered, managed and monitored on the Karnataka Public Procurement Portal.<sup>48</sup>

**27. Pre-qualification Procedure:-**

- (1) The tender inviting authority shall for reasons to be recorded in writing provide for pre-qualification of tenderers on the basis of:
  - (a) experience and past performance in the execution of similar contracts;
  - (b) Capabilities of the tenderer with respect to personnel, equipment and construction or manufacturing facilities;

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<sup>48</sup> Inserted vide notification No.FD 884 EXP-12/2019 Dated: 07-05-2020.

- (c) Financial status and capacity.  
(2) Only the tenders of pre-qualified tenderers shall be considered for evaluation.

*["Provided that notwithstanding anything contrary contained in these rules the tender inviting Authority may adopt the list of prequalified tenderers empanelled by the Directorate of Information Technology, Government of Karnataka in respect of computers, peripherals and related services and call for price bids from all such prequalified tenderers and the price bids received from the prequalified tenderers shall be considered for evaluation by the tender accepting authority, so far as may be in accordance with these rules."]<sup>49</sup>*

**[“27(A) Preference to Tenderers belonging to the Scheduled Castes or Scheduled Tribes in Construction Works.-** For the purpose of these rules, all procurement entities specified under clause (d) of section 2, which are taking up Construction works shall be the notified departments and they shall follow the following procedures, namely:-

- (a) all works approved in the Action Plan or Appendix-E of every financial year, the value of which does not exceed Rs.50.00 lakh shall be put to randomization for selecting 17.15% of these works to be tendered among registered contractors belonging to the Scheduled Castes Category and 6.95% to be tendered among contractors belonging to the Scheduled Tribes Category.
- (b) Works subsequently approved shall also have to be put to randomization periodically.
- (c) for randomization, an Engineering Division or the Jurisdiction of the Tender Inviting Authority shall be considered as a unit.
- (d) randomization of works shall be done when the number of works are more than four.
- (e) once a particular work is included in randomization process or were not put to randomization due to lack of adequate number of works, they shall not be put to randomization again for the reasons that they were not selected during the first randomization process.
- (f) if no qualified tenderers belonging to the Scheduled Castes or Scheduled Tribes participate in the bid in two attempts under this rule, then these works shall be tendered as open category wherein all eligible bidders of General or Scheduled Castes or Scheduled Tribes category can participate.

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<sup>49</sup> Inserted vide notification No.PWD/22/FC-3/2001, dated 01-03-2001



- (g) it shall be responsibility of the Executive Engineer or Tender Inviting Authority to verify the eligibility of the tenderers belonging to the Scheduled Castes or Scheduled Tribes. Verification of tenderers belonging to the Scheduled Castes or Scheduled Tribes shall be done by the Tender Inviting Authority subject to explanations provided in Section 6.
- (h) if the contractor is a firm, then all the partners or members of the firm shall belong to the Scheduled Castes or Scheduled Tribes as the case may be.
- (i) the contractor belonging to the Scheduled Castes or Scheduled Tribes shall be domicile of the State of Karnataka for more than 10 years.”<sup>50</sup>

**28. [“Two Tender Document System”]<sup>51</sup>:-**

- (1) In the case of construction or supply and installation of equipment, tenders exceeding Rs. 50 lakhs in value where the prequalification procedure or Turn Key Tender System are not being followed the tender inviting authority shall follow the two -cover tender system.
- (2) The first [“electronic document”]<sup>52</sup> shall contain the following information about the tenderer namely:
- (a) Experience and past performance in the execution of similar contracts.
- (b) Capabilities with respect to personnel, equipment and construction or manufacturing facilities
- (c) Financial status and capacity
- (d) any other information considered relevant.
- (3) The second [“electronic document”]<sup>53</sup> shall contain the prices quoted by the tenderer.
- (4) The tender inviting authority shall cause the first [“electronic document”]<sup>54</sup> to be opened first and evaluate the tenderer's capacity on the basis of criteria specified in the tender document and on this basis, prepare a list of qualified tenderers.

<sup>50</sup> Inserted vide Notification No. FD 876 Exp-12/2017, Dtd: 15/09/2017,

<sup>51</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>52</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>53</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

<sup>54</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

- (5) Thereafter, the Second [*“electronic document”*]<sup>55</sup> containing the price quotations of only those tenderers found qualified under sub-rule (4) shall be opened by the tender inviting authority.
- (6) The tender inviting authority shall follow the procedure outline in rule 25 and 26.

**[“28A. Two stage tender system.-**

- (1) *In the case of 'turn-key' contracts involving supply, installation, testing and commissioning of specially engineered plant and equipment such as turbines, generators, boilers, switchyard, pumping stations, telecommunications, process and treatment plants and the like for power, water, sewerage, telecommunication and similar projects or procurement of equipment subject to rapid technological advances such as computer and communication systems, where it is undesirable or impractical to prepare a complete technical specifications in advance, two-stage tender system may be adopted.*
- 2) *First stage tender will consist of a technical tender only, without reference to the rates and prices for completing the facilities and a list of deviations to the technical and commercial conditions set forth in the tender documents or any alternate technical solution as a tenderer wishes to offer and a justification therefore, always provided that such deviation or alternate solution do not change the basic objective of the contract and that they meet the conceptual design or performance or functional specifications contained in the tender documents.*
- 3) *The Tender Inviting Authority shall cause the first stage tender to be opened and evaluate whether the tenderer meets the required minimum acceptable qualification criteria, whether the tenderer has submitted a technically responsive first stage tender and prepare a list of qualified and responsive tenderers.*
- 4) *The Tender Inviting Authority shall convene a clarification meeting of all first stage qualified tenderers and review the tenderer's tender and prepare a memorandum of all required amendments, additions, deletions and other adjustments.*
- 5) *The Tender Inviting Authority shall revise the tender documents and specifications to permit new technologies and introduce the right evaluation criteria.*
- 6) *Only those tenderers who have submitted a technically responsive and acceptable first stage tender shall be invited to submit Second Stage Tender.*

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<sup>55</sup> Substituted vide notification no. FD 574(A) Exp-12/2019 Dated:07-09-2019.

- 7) The second stage tender shall consist of,-
- (a) an updated technical tender incorporating all the changes required by the tender Inviting Authority as recorded in the memorandum prepared in sub-rule (4) or as necessary to reflect any amendments to the tender documents issued subsequent to submission of the first stage tender; and
  - (b) the commercial tender.
- 8) All second stage tenders must be accompanied by specified tender security.
- 9) All second stage tenders (both technical and price) will be opened in the presence of tenderers or their authorized representatives.
- 10) The two stage tender shall be evaluated and awarded following the procedure specified in rules 25 and 26.”<sup>56</sup>

### [“CHAPTER VIIA CONSULTANCY SERVICES

**28B. Selection Methods:-** The following methods of selection of Consultants shall be adopted as found appropriate for the assignment.

- (a) Quality and Cost Based Selection (QCBS);
- (b) Least Cost Selection (LCS);
- (c) Single Source Selection (SSS);

**28C. Quality and Cost Based Selection (QCBS) :-** The quality and cost based selection is based both on the quality of the proposals and the cost of the services to be provided. In this method, the technical and financial proposals shall be received in separate sealed envelope. The technical proposals shall be opened first (unopened financial proposals are kept under security) and the evaluation report of the technical proposals shall be prepared and the approval of Tender Accepting Authority shall be obtained. The financial envelopes of those consultants who submitted responsive technical proposals meeting the minimum qualifying scores shall be opened in the presence of the consultants or their representatives. The proposals shall then be evaluated. Once the financial proposals are evaluated, a combined evaluation of the technical and financial proposals shall be carried out by weighing and adding the quality and the cost scores, and the Consultant obtaining the highest combined score shall be invited for negotiations. Since price is a factor of selection, staff rates and other unit rates shall not be negotiated.

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<sup>56</sup> Inserted vide Notification No.PWD 33 FC-3 Dated 05/03/2003

**28D. Least Cost Selection(LCS) :-** The Least Cost Selection method is more appropriate to selection of consultants for assignments of a standard or routine nature (audits, engineering design of non-complex works and so-forth) where well established practices and standards exist. Under this method a minimum qualifying score for quality is established and indicated while inviting proposals. Short-listed consultants shall submit their proposals in two envelopes. The technical proposals shall be opened first and evaluated. Proposals scoring less than the minimum technical qualifying score shall be rejected, and the financial envelopes of the rest shall be opened in public. The Consultant with the lowest evaluated price shall be selected.

**28E. Single Source Selection (SSS) :-** Under Single Source Selection, the Client selects a specific consultant and requests him to prepare technical and financial proposals, which are then negotiated. Since there is no competition, this method is acceptable only in exceptional cases and made on the basis of strong and convincing justifications where it offers clear advantages over the competition, because,-

- (i) the assignment represents a natural or direct continuation of a previous one awarded competitively (the estimated cost of the continuation assignment is not more than 50% of the previous competitively awarded assignment), and the performance of the incumbent consultant has been satisfactory; or
- (ii) a quick selection of the consultant is essential e.g., in emergency operations such as natural disasters and financial crisis; or
- (iii) the contract is very small in value (i.e., less than rupees 5,00,000 for consulting firms or ["xxxxx"]<sup>57</sup> for individual Consultants); or
- (iv) only one Consultant has the qualifications or has experience of exceptional worth to carry out the assignment.

**28F. Steps in the Selection Process:-** Depending on the selection method adopted, the selection process carried out by the Client generally shall include the following steps:

- (i) Preparation of the Terms of Reference (TOR) for the assignment;
- (ii) Preparation of the cost estimate to determine the budget of the assignment;
- (iii) Advertising to invite the expressions of interest from Consultants (mandatory in respect of assignments estimated to cost more than rupees 20 lakhs);

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<sup>57</sup> omitted

- (iv) Short-listing to identify consultants; qualified for the assignment;
- (v) Preparation and issuance of the Request for Proposals (REP);
- (vi) Preparation and submission of proposals by the consultants;
- (vii) Evaluation of the technical proposals i.e., quality evaluation;
- (viii) Evaluation of financial proposals;
- (ix) Final combined quality and cost evaluation to select the winning proposal (QCBS); and
- (x) Negotiations, if any signing of contract between the Client and Consultant.

**28G. Contracts :-** Two main considerations determine the type of contract to be used for the various consultant assignments; the nature and degree of the definition of the assignment, the distribution of risks between the Client and Consultant and the level of contract supervision the client will be able to provide. The following are the various types of contracts that can be adopted for appropriate assignments, namely:-

- (i) **Lump Sum (Firm Fixed Price) contracts :-** These are used mainly for assignments in which the content and length of services and the required output of the Consultant are clearly defined and for these reasons the Consultant can generally control the scope of work and duration of services. In these contracts payments are linked to clearly specified outputs.
- (ii) **Time-Based contracts :-** Under this type of contract, the Consultant provides services on a time basis according to quality specifications, and Consultants remuneration is based on, agreed unit rates for Consultant Staff multiplied by the actual time spent by this staff in executing the assignment and reimbursable expenses using actual expenses and agreed unit prices.
- (iii) **Percentage Contracts: -** It is one where consultants are paid an agreed percentage of the actual project cost.
- (iv) **Indefinite Delivery Contracts (Price Agreement or Standing Offers):-** These refer to contracts in which a Consultant is hired for a specified period to undertake tasks as and when the need arises.

**28H. Standard Requests for Proposals (RFP) and Contract Formats:-** Standard RFP (Requests for Proposals) and Contract Formats as may be issued by the Government of Karnataka from time to time shall be used. The Instructions to Consultants (ITC), Formats for submission of Proposals (unless specified otherwise) as well as the General

Conditions of Contract (GCC) shall not be changed. However the Data Sheet and Special Conditions of Contract enable the Procurement Entities to amend or supplement Instructions to consultants (ITC) and General Conditions of Contract (GCC) to reflect local conditions and characteristics of assignment.

**28I. Supervision of the Consultancy Contracts:-** The Client is responsible for supervising the assignment. He shall make arrangements to monitor the progress of work, the timely completion of deliverables, the staff months and money expended (for time-based contracts) and determine where, within the contract, changes in the scope of work might be appropriate. The Contract usually requires that the Consultant shall submit regular progress reports and other periodical reports. The Client shall ensure providing comments on these reports in a timely manner. For large assignments, a Committee shall be constituted to review Consultant's work.

**28J. Individual Consultants versus Consulting Firms :-** (1) Individual Consultants may be employed to assist the Client in various areas of the project preparation and implementation. Individuals may be engaged on assignments for which -

- (a) the experience and qualifications of the individual must be dominant;
- (b) no support from an organization is needed for the individual; and
- (c) team work or multidisciplinary approach is not necessary.

When integrated technical work and joint responsibility for the Consultants' output are important, it is necessary to hire a Consulting Firm. The TOR of the assignment provides the basis for decision. As a general rule, when dealing with project preparation services of a complex nature, it is advisable to hire a firm, whereas individuals can be considered for advisory services assignments or technical opinions on specific matters in which specialist individual knowledge is the key issue. As a practical rule, if three or more individuals are needed for an assignment, it is often better to hire a Consulting firm, so that the firm will be responsible for identifying the best individuals, ensuring cohesiveness and technical solvency, as well as backup and transparent administration.

**28K. Hiring of Government Officials, officials of Government Undertaking, Corporation etc.,** Government officials and officials employed in Government Undertakings or Corporations shall not be engaged under consulting services, since there could be a conflict of interest. This applies regardless of their being on leave or on deputation. University Professors or Scientists from Autonomous Research Institutes may be contracted individually provided they are permitted by their service conditions to undertake assignments for a specified period in a year. Individual Consultants shall not be hired by Agencies, where the relatives of the Individual Consultant, are employed in position of influence.”<sup>58</sup>

## **CHAPTER - VII APPEALS**

**29. Appeal:-** An appeal under [“section 16”]<sup>59</sup> shall lie:

[“(1)”]<sup>60</sup>(a) to the Head of the Department concerned if the order is passed by the Tender accepting authority subordinate to the Head of the Department:

(b) To the Government if the order is passed by a tender accepting authority which is Head of the Department, or a local authority or a State Government Undertaking or a Board, Body Corporation or any other authority owned or controlled by the Government.

[“(2)”] The aggrieved tenderer shall submit online appeal within specified period to the Appellate Authority specified in tender schedule through the Karnataka Public Procurement Portal.”<sup>61</sup>

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<sup>58</sup> Inserted vide Notification No. PWD 121 SO/FC 2003 dated 26/09/2003.

<sup>59</sup> Substituted vide notification No. PWD 154 FC-3/2001, dated 02-04-2001.

<sup>60</sup> Renumbered vide Notification No. FD 574(A) Exp-12/2019 Dated: 07-09-2019.

<sup>61</sup> Inserted vide Notification No. FD 574(A) Exp-12/2019 Dated: 07-09-2019.

