

**10.4 Amendment to Tamil Nadu Transparency in Tenders Rules, 2000 -
Implementation of e-tendering in a phased manner- Action for phase II**

Finance (Salaries) Department

G.O. (Ms) No. 471

Dated :30.09.2007

Read:

1. G.O.Ms.No.177, Finance (Salaries) Department, dated 22.5.2007
2. D.O.Letter No.23571, Finance (Salaries)/2007-7 dated 07.06.2007

ORDER

In the Government Order first read above, orders have been issued notifying amendments to Tamil Nadu Transparency in Tender Rules, 2000 to provide for uploading of tender forms in respect of tenders for procurement exceeding Rs.10.00 lakhs with effect from 01.07.2007.

2. In the reference second read above, necessary instructions regarding follow up action consequent on the issue of Government Order first read above have been issued.

3. In the second phase starting from 01.10.2007, tenderers have to be permitted to submit their bids to the designated website indicated in the Tender documents in respect of tenders exceeding Rs.10.00 lakhs in value.

4. The Government now issue the following orders for implementation of e-submission with effect from 01.10.2007.

- a) e-submission of tenders shall be commenced from 01.10.2007 on a pilot basis implemented by major infrastructure agencies like Public Works Department, Highways Department, Directorate of Rural Development, Commissionerate of Municipal Administration, Tamil Nadu Water Supply and Drainage Board, Chennai Metro Water Supply and Sewerage Board, Tamil Nadu Electricity Board and Tamil Nadu Medical Service Corporation for select projects for which tenders are floated on or after 01.10.2007. Based on experience gained e-submission of tenders may be made fully operational from 01.01.2008.
- b) The tender documents shall be permitted to be submitted to the designated website, while documents such as Earnest Money Deposit (EMD), certificates, etc., may be sent in physical form.
- c) The procuring entities shall obtain the requirement number of digital signature cards through National Informatic Centre (NIC), which is one of the 3 agencies in Tamil Nadu authorized by Government of India for the purpose of certifying and approving digital signature cards.
- d) The e-submitted tenders may be permitted to be opened by a Tender Inviting Authority or a member of the Tender Scrutiny Committee from their new location if they are transferred after the issue of Notice Inviting Tender and before tender opening and where the new incumbent is yet to obtain his digital signature certified. Further action on tender documents shall be taken by the new incumbent of the post.
- e) Orders on the procedure for e-payment of Earnest Money Deposit (EMD), which have to be made through e-payment gateway, shall be issued separately once the e-submission of tenders becomes fully operational.

5. The following Notification will be published in the Tamil Nadu Government Gazette Extraordinary dated the 30th September 2007.

10. MISCELLANEOUS

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 22 of the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu transparency in Tenders Rules, 2000:-

AMENDMENTS

In the said Rules,-

(1) in rule 17, -

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) At any time after the issue of tender documents and before opening of the tender, the Tender Inviting Authority may make any changes, modifications or amendments to the tender documents and shall send intimation of such change to all those who have purchased the original tender documents and upload corrigendum for the information of those who have downloaded the tender documents from the website”;

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:

“(2) In case any tenderer asks for clarification on the tender documents before 48 hours of the opening of the tender, the Tender Inviting Authority shall ensure that a reply is sent and copies of the reply to the clarification sought shall be communicated to all those who have purchased the tender documents without identifying the source of the query and upload such clarification to the designated website for the information of those who have downloaded the tender documents from the website, without identifying the source of the query”;

(2) in rule 18,-

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Tender Inviting Authority shall ensure that adequate arrangements are made for the proper receipt and safe custody of the tenders at the place indicated for the receipt of tenders. Such of the tenders that are received through electronic mail shall be kept electronically locked”;

(b) for sub-rule (3), the following sub-rule shall be substituted, namely:-

“(3) The Tender Inviting Authority shall permit the submission of tenders by post of courier or by electronic submission through the designated website, wherever applicable, provided that the Tender Inviting Authority shall not be responsible or delay in transit in such cases”;

© in sub-rule (4), the expression “or by electronic mail” shall be omitted;

(d) in sub-rule (5), after the expression “receiving tenders”, the expression “which shall be published on the designated website also” shall be inserted;

(3) in rule 21, in sub-rule (1), the following shall be added at the end, namely:-

“The e-submitted tenders may be permitted to be opened by a Tender Inviting Authority or a member of the Tender Scrutiny where the new incumbent is yet to obtain his digital signature certified”.

(4) in rule 22,-

(a) for clause (a), the following clause shall be substituted, namely:-

“(a) All the envelopes containing tenders and the tenders received through the electronic mail in the designated website shall be counted”;

10. MISCELLANEOUS

(b) for clause (c), the following clause shall be substituted, namely:-

(c) Any tender received subsequently shall not be opened and shall be returned unopened to the tenderer and in the case of tenders submitted through electronic mail in the designated website, a report on the late submission of tenders shall be generated and the same shall be sent to the tenderers concerned”;

(5) in rule 28, in sub-rule (2), for clause (b), the following clause shall be substituted, namely:-

- “(b) (i) whether the crucial documents have been duly signed
(ii) whether the documents have been authenticated by digital signature, in the case of tenders submitted through electronic mail in the designated website”;

(By order of the Governor)

K.GNANADESIGAN
SECRETARY TO GOVERNMENT