


**FINANCE DEPARTMENT**

# TAMIL NADU TRANSPARENCY IN TENDERS ACT, 1998.

# TAMIL NADU TRANSPARENCY IN TENDERS RULES, 2000.

# AND

# TAMIL NADU TRANSPARENCY IN TENDERS (PUBLIC PRIVATE PARTNERSHIP PROCUREMENT) RULES, 2012.

(As amended upto the 26th June, 2018)

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**Government of Tamil Nadu**

**2018**

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# PREFACE

Government organizations procure a wide variety of goods and services and undertake execution of works in pursuance of their duties and responsibilities. With a view to improving transparency in decision making in public procurement and reducing the scope for subjectivity, the Tamil Nadu Transparency in Tenders Act, 1998 was enacted and the Rules thereunder made for procurement of goods, execution of works and hiring of consultants. Over the years, the need for certain improvements was felt and its flexibility lies in its amendments. Accordingly, amendments were made to the said Act and Rules.

In this edition, the text of the Tamil Nadu Transparency in Tenders Act, 1998, Tamil Nadu Transparency in Tenders Rules, 2000 and Tamil Nadu Transparency in Tenders (PPPP) Rules, 2012 has been brought up-to-date by incorporating therein all amendments made up to 26th June 2018. The footnotes below the text indicate the said amendment Acts and Rules by which such amendments have been made.

I hope that this edition would be useful to procuring officials working in various Government organisations and will bring about greater transparency and predictability.

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Dated: 14-08-2018.

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# TAMIL NADU TRANSPARENCY IN TENDERS ACT, 1998.

## (TAMIL NADU ACT NO.43 OF 1998)

(Published in TNGGE No.742, 21st December 1998 - Part-IV – Section 2 – T.N. Acts and Ordinances)

The following Act of the Tamil Nadu Legislative Assembly received the assent of the *President* on the 11th December 1998 and is hereby published for general information:-

**Act No.43 of 1998.**

***An Act to provide for* transparency *in the public procurement and to regulate the procedure in inviting and accepting tenders and matters connected therewith or incidental thereto.***

***Preamble.-***

**WHEREAS** to maximise economy and efficiency in Government procurement;

**AND WHEREAS** to foster and encourage effective participation by tenderers in the process of tenders;

**AND WHEREAS** to promote healthy competition among tenderers;

**AND WHEREAS** to provide for fair and equitable treatment of all tenderers;

**AND WHEREAS** it is expedient to eliminate irregularities, interference and corrupt practices in the matters relating to tender processes by providing transparency in such matters;

**AND WHEREAS** to promote the integrity of the process of tenders and to promote fairness and public confidence in the processing of tenders by ensuring transparency in the procedure relating to procurement;

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**BE** it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth year of the Republic of India as follows:-

**1. Short title, extent and commencement.-** (1) This Act may be called the Tamil Nadu Transparency in Tenders Act, 1998.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on [1][such date] as the Government may, by notification, appoint.

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

(a) '**Construction**' means all works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or any other related works;

[2][(aa) **'Domestic Enterprise'** means any micro and small enterprise as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006), which manufactures or produces goods, provides or renders services within the State and filed Part II of the Entrepreneurs Memorandum in the District Industries Centres or filed Udyog Aadhaar portal.]

(b) '**Goods**' means raw materials, products, equipment and other objects of every kind and description and includes electricity;

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

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[1] *Appoints **1st day of October 2000** as the date on which the said Act shall come into force. [TNGGE No.701 / 01-10-2000 (No.II(2) / FIN / 1051(d1) / 2000) - G.O.Ms.No.445 / 26th September, 2000].*

[2] *Substituted for {"(aa) 'Domestic Small Scale Industrial Unit' means an industrial unit in which the investment in fixed assets in plant and machinery, whether held in ownership or on lease or by hire purchase, does not exceed rupees one hundred lakhs, and which manufactures the goods within the State and registered with the Director of Industries and Commerce"- Inserted by the TNTIT (Amendment) Act, 2001 (Tamil Nadu Act 14 of 2001) sec. 2(1) [TNGGE No.667 / 24-09-2001] (w.e.f. 1-12-2001). [TNGGE No.44 / 21-11-2001 (No.II(2) / FIN / 888(m-a) / 2001.- G.O.Ms. No.451, Finance (Salaries), 16th Nov. 2001]} by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017) sec. 2(1) [TNGG No.261 / 07-08-2017] (w.e.f. 19-09-2017) [TNGG No.295 / 19-09-2017 (No. II(2)/FIN/783(d)/2017) - [G.O. Ms. No. 269, Finance (Salaries), 19th September 2017].*



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[3][(cc) **'Lowest Tender'** means the tender which, on evaluation, is found to be the most beneficial to the procuring entity in financially quantifiable terms.]

(d) '**Procurement**' means acquisition [4][by any means including electronic mode of] purchase of goods or services and also of construction;

(e) '**Procuring entity**' means the entity specified in the Schedule to this Act;

[5][(ee) '**Service**' means any subject matter of procurement but does not include any goods or constructions or hiring of any person to represent the procuring entity or give advice on Legal matters in any judicial or quasi judicial proceeding.]

(f) '**Tender**' means the formal offer made [6][by any means including electronic mode] in pursuance of an invitation by the procuring entity

(g) '**Tender Bulletin**' means the bulletin published for each district or State, containing details of invitation and acceptance of tender;

(h) '**Tender Bulletin Officer**' means any officer appointed by the Government to publish the district or State Tender Bulletin;

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[3] *Inserted by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec.2(i) [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*

[4] *Substituted [for 'by any means by'] by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017) sec.2(2) [TNGGE No.261 / 07-08-2017] (w.e.f. 19-09-2017)] [TNGGE No.295 / 19-09-2017 (No.II(2)/ FIN/ 783(d )/2017) - G.O.Ms.No.269, Finance (Salaries), 19th September 2017].*

[5] *Inserted by the TNTIT (Second Amendment) Act, 2018 (Tamil Nadu Act 45 of 2017) sec.2 [TNGGE No.136 / 13-08-2018] (w.e.f. 26-06-2018) [TNGGE No.224/26-06-2018 (No.II(2) / FIN / 549(d) / 2018.- G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*

[6] *Inserted by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017) sec.2(3) [TNGGE No.261 / 07-08-2017] (w.e.f. 19-09-2017) [TNGGE No.295/19-09-2017 (No. II(2) / FIN/ 783(d)/2017.- G.O.Ms. No.269, Finance (Salaries), 19th September 2017].*



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(i) **'Tender Document'** means a set of papers [7][including electronic document] containing schedule of works, rates, requirement of goods or services, technical specifications, procedure and criteria as may be prescribed for evaluation and comparison of tenders and such other particulars as may be prescribed;

[8] & [9][...]

**3. Prohibition or Procurement except by tender.-** (1) No procurement shall be made by the procuring entity except by tender.

(2) The provisions of sections 9 and 10 shall not apply to any procurement made by a procuring entity, in the normal course, if it is for carrying on business of selling and buying goods:

Provided that in case of procurement by the procuring entities on behalf of and for sale to Government or Government organisations for any Government programme, such procurement shall be only by tender.

[10][(3) Notwithstanding anything contained in sub-section (1), a procuring entity may procure goods or services through a Government department or Government undertaking, nominated by the Government by notification to act as an agency for procuring specified classes of goods or services on behalf of any procuring entity upon payment of a fee:

Provided that no procurement shall be made by the nominated agency except by tender.]

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[7] *Inserted by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017) sec. 2(4) [TNGGE No.261 / 07-08-2017] (w.e.f. 19.09.2017) [TNGGE No.295 / 19-09-2017 (No.II(2) / FIN / 783(d) / 2017.- G.O.Ms. No.269, Finance (Salaries), 19th September 2017].*

[8] *Inserted [Provided that such criteria for evaluation and comparison of tenders shall also provide for a price preference,- (a) not exceeding fifteen percent for the domestic small scale industrial units; (b) not exceeding ten percent for the Public Sector Undertakings of the Government in respect of products manufactured by them.] by the TNTIT (Amendment) Act, 2001 (Tamil Nadu Act 14 of 2001) sec. 2(2) [TNGGE No.667 / 24-09-2001] (w.e.f. 1-12-2001). [TNGGE No.44 / 21-11-2001 (No.II(2) / FIN / 888(m-a) / 2001.- G.O.Ms. No.451, Finance (Salaries), 16th Nov. 2001].*

[9] *Omitted by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec.2(ii) [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*

[10] *Inserted by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec.3 [TNGGE No.136 / 13-08-2018] (w.e.f. 26-06-2018) [TNGGE No.224/26-06-2018 (No. II(2)/FIN/549(d)/2018.- G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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**4. Regulation of Tenders.-** No tender shall be invited or accepted by any authority after the commencement of this Act, except in accordance with the procedure specified in this Act and the Rules made thereunder.

**5. Appointment of Bulletin Officer.-** The Government may, by notification appoint,-

[11][(a) an officer of the Government not below the rank of a Deputy Secretary to Government as State Tender Bulletin Officer];

[12][(b) an officer not below the rank of a Deputy Collector as District Tender Bulletin Officer for every district];

**6. Functions of Bulletin Officers.-** (1) On receipt of intimation relating to details of notice of invitation of Tender, from the Tender Inviting Authority, information relating to acceptance of tender together with a comparative analysis and reasons for acceptance of tenders from the Tender Accepting Authority, the State or as the case may be, the District Tender Bulletin Officer shall, publish the same in the State or District Tender Bulletin, [13][as the case may be, in such manner and within such time as may be prescribed:]

Provided that, if the procurement covers more than one district, the invitation and the acceptance of tenders shall be published in the State Tender Bulletin and also in the District Tender Bulletin of such districts.

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[11] ***The Director, Information and Public Relations appointed as State Tender Bulletin Officer***. *[TNGGE No.701 / 1-10-2000 (No.II(2)/FIN/1051(d2)/2000) - G.O.Ms.No.447 / 26th September, 2000 and Amendment TNGG No.27, / 18-7-2001 (No.II/(2)FIN/561/2001) (for the expression "Joint Director (Information)", the expression "The Director, Information and Public Relations was appointed as State Tender Bulletin Officer" - G.O.Ms.No.233 / 15th June, 2001].*

[12] ***The District Public Relation Officer attached to the Collector of every district appointed as District Tender Bulletin Officer for the respective districts***. *[TNGGE No.701 / 1-10-2000 (No.II(2)/FIN/1051(d2)/2000) - G.O.Ms.No.447 / 26th September, 2000].*

[13] *Substituted for the expression "as the case may be, within such time as may be prescribed" by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 4(1) [TNGGE No.136 / 13-08-2018] (w.e.f. 26-06-2018) [TNGGE No.224/26-06-2018 (No. II(2)/FIN/549(d)/2018.- G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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[14][(2) The Tender Bulletin shall be delivered to registered subscribers by e-mail and shall also be published in a dedicated website administered by the State Tender Bulletin Officer for view and download by any person.]

**7. Appointment of Tender Inviting Authority and Tender Accepting Authority.-** (1) The Government or the procuring entity, may, by order, appoint an officer under its control as Tender Inviting Authority for carrying out the functions assigned to it under this Act.

(2) The Government or the procuring entity, may, by order, appoint an officer or a committee consisting such number of officers as may be prescribed as Tender Accepting Authority for carrying out the functions assigned to it under this Act.

(3) Notwithstanding anything contained in sub-sections (1) and (2), -

(a) where the Government is the Tender Accepting Authority, Tamil Nadu Government Business Rules shall be followed for tender acceptance ensuring adherence to the other provisions of this Act;

(b) where a Multi-member Tender Accepting Authority is discharging its functions under other Acts, such Multi-member Authority shall be deemed to be Tender Accepting Authority under this Act.

**8. Opening of Tender.-** The Tender Accepting Authority or any other officer authorised by it, shall open the tenders in the presence of tenderers present and who have submitted tenders in such time and in such place as may be specified in the tender document.

**9. Functions of Tender Inviting Authority.-** (1) The Tender Inviting Authority shall invite tenders in the form of a notice containing such particulars as may be prescribed.

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[14] *Substituted for "(2) The Tender Bulletin shall be made available for sale in the office of the Tender Bulletin Officer and at such other places as may be specified by him" by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 4(2) [TNGGE No.136 / 13-04-2018], (w.e.f. 26-06-2018) [TNGGE No.224 / 26-06-2018] (No.II(2) / FIN / 549(d)) / 2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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(2) The Tender Inviting Authority shall communicate the Notice Inviting Tenders to the Bulletin Officers according to the value of the procurement and within such time as may be prescribed, so as to publish the same in the appropriate Tender Bulletin.

(3) The Tender Inviting Authority shall also publish the Notice Inviting Tenders in Indian Trade Journal and in daily newspapers having wide circulation depending upon the value of the procurement prescribed.

[15][(3-A) The Tender Inviting Authority shall also cause the Notice Inviting Tender hosted in the dedicated website administered by the State Tender Bulletin Officer.]

(4) The Tender Inviting Authority shall supply the schedule of rates and tender documents in such manner and in such places as may be prescribed to every intending tenderer who has applied for such document.

**10. Evaluation and Acceptance of Tender.-** (1) The Tender Accepting Authority shall cause an objective evaluation of the tenders taking into consideration the schedule of rates as mentioned in the tender document and the prevailing market rate for procurement and comparison of the tenders in accordance with the procedure and criteria specified in the tender document.

(2) After evaluation and comparison of tenders as specified in sub-section (1), the Tender Accepting Authority shall accept the lowest tender ascertained on the basis of objective and quantifiable factors specified in the tender document and giving relative weights among them:

[15] *Inserted by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 5 [TNGGE No.136 / 13-08-2018] (w.e.f. 26-06-2018) [TNGGE No.224/26-06-2018 (No. II(2) / FIN / 549(d)/2018.- G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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[16][Provided that the Tender Accepting Authority shall accept the tender of domestic enterprises, not being the lowest tender, upon satisfaction of such conditions as may be prescribed, in respect only of goods manufactured or produced and services provided or rendered by them, and only to the extent of not exceeding twenty five per cent of the total requirement in that procurement, if such domestic enterprise is willing to match the price of the lowest tender:

Provided further that the Tender Accepting Authority shall accept the tender of a department of Government, Public Sector Undertaking, Statutory Board and other similar institutions as may be notified, not being the lowest tender, upon satisfaction of such conditions as may be prescribed, in respect only of goods manufactured or produced and services provided or rendered by them, and only to the extent of not exceeding forty per cent of the total requirement in that procurement, if such tenderer is willing to match the price of the lowest tender:

Provided also that in case of a single procurement, the total procurement under the above two provisos shall not exceed forty percent of the total requirement in that procurement.]

(3) Notwithstanding anything contained in sub-section (2), if the Tender Accepting Authority decides that the price of the lowest tender is higher with reference to the prevailing market rate or the schedule of rates, [17][the said authority] may negotiate for a reduction of price with that tenderer.

(4) If at any time before the acceptance of tender, the Tender Accepting Authority receives information that a tenderer who has submitted tender has been banned by any Procuring Entity, [17][the said authority] shall not accept the tender of that tenderer even if it may be the lowest tender.

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[16] *Added by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 6 [TNGGE No.136 / 13-08-2018] (w.e.f. 26-06-2018) [TNGGE No.224/26-06-2018 (No. II(2) / FIN / 549(d)/2018.- G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*

[17] *Substituted [for 'he'] in four places by TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec.3(i) [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th Dec.,2012].*



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(5) In case where two or more tenderers quoted the same price, the Tender Accepting Authority shall split the procurement among such tenderers taking into consideration the experience and credentials of such tenderers. Where such splitting is not possible or could not be done equally, [17][the said authority] shall record reasons for the same.

(6) If the Tender Accepting Authority proposes to accept the tender as per the provisions of this section, [17][the said authority] shall pass orders accepting the tender together with reasons for such acceptance:

[18][Provided that if the tenderer is unable to supply the entire quantity required, the Tender Accepting Authority may follow the fixed rate contract procedure as may be prescribed.]

(7) The Tender Accepting Authority shall intimate the information regarding the name and address of the tenderer whose tender has been accepted along with the reasons for rejection of other tenders to the appropriate Tender Bulletin Officers.

**11. Appeal.-** (1) Any tenderer aggrieved by the order passed by the Tender Accepting Authority under section 10 may appeal to the Government within ten days from the date of receipt of order and the Government shall dispose the appeal within fifteen days from the date of receipt.

(2) In disposing of an appeal under sub-section (1), the Government may, after giving the party an opportunity of making his representations, pass such order thereon as they may deem fit.

(3) The order of the Government on such appeal shall be final.

(4) The Government may, pending the exercise of their powers under this section pass such interlocutory orders as they may deem fit.

[18] *Inserted by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec. 3(ii) [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*



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**12. Right to reject Tender.-** (1) After negotiation with the tenderer and before passing the order accepting a tender as under sub-section (6) of Section 10, if the Tender Accepting Authority decides that the price quoted by such tenderer is higher by the percentage as may be prescribed over the schedule of rates or prevailing market price, [19][the said authority] shall reject the tender.

(2) The Tender Accepting Authority before passing the order accepting a tender, may also reject all the tenders for reasons such as changes in the scope of procurement, new technologies or substantial design changes, lack of anticipated financial resources, court orders, accidents or calamities and other unforeseen circumstances.

**13. 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 in tender process, by order in writing, call for any information relating to transparency from the Tender Inviting Authority or from the Tender Accepting Authority on any matter in tender processing and the said Authority shall furnish the same to the Government.

**14. Power of Government to call for records.-** The Government may at any time, with a view to ensuring transparency in tender process, require any authority,-

(a) to produce records relating to invitation and acceptance of tenders;

(b) to furnish the tender document, estimate, statement, accounts or statistics relating to such tenders; and

(c) to furnish any report.

**15. Procedure to be followed in certain cases.-** The provisions of this Act to the extent they are not consistent with the procedure prescribed in the Projects funded by International Agreements or by International Financial Agencies shall not apply.

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[19] *Substituted [for 'he'] by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec. 4 [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*



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**16. Provisions of this Act not to apply in certain cases.-** The provisions of sections 9 and 10 shall not apply to procurement,-

(a) during natural calamities and emergencies declared by the Government;

(b) available from a single source only from a supplier or cases in which a particular supplier or contractor has exclusive rights in respect of the goods or services or construction and no reasonable alternative or substitute exists or where the procuring entity having procured goods, equipment, technology from a supplier or contractor determines that additional supplies must be procured from that specific supplier or contractor for reasons of standardization and compatibility with the existing goods, equipment or technology:

Provided that a committee of three experts consisting one technical representative of the procuring entity, one technical representative of a State or Central Government Organisation dealing with similar procurement and one representative from a reputed Academic or Research Institution or Non-commercial Institution having expertise in such line, declares it as single source procurement;

[20][(bb) of a service, other than operations and maintenance, project or facility management, supervision, supply of manpower, outsourcing of tasks, leasing of machinery, equipment or vehicles and insurance, in any particular instance of procurement declared by the Government by notification, upon the recommendation of a committee comprising the Secretary of the department concerned of the Government, Secretary of Finance department or his representative, the Chief Executive Officer or the head of the procuring entity, one technical representative of the procuring entity and one representative from a reputed Academic or Research Institution or Non-commercial Institution having expertise in such line;]

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[20] *Inserted by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(1) [TNGGE No.136 / 13-04-2018], w.e.f. 26-06-2018. [TNGGE No.224 / 26-06-2018] (No.II(2)FIN/549(d))/2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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[21][(c) …]

(d) of low value and local purchases as may be prescribed;

[22] [(dd) …]

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[21] *Omitted by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(2), w.e.f. 26-06-2018. (TNGGE No. 136, dated 13.04.2018 & TNGGE No. 224, dated 26-06-2018) *[(c) from departments of Government, Public Sector Undertakings, Statutory Boards and such other institutions as may be notified by the Government only in respect of goods manufactured or services provided by them; Provided that such procurement shall not exceed forty percent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining sixty percent.] [The clause '(c) from certain departments of Government, public sector undertakings, statutory boards and such other institutions only in respect of goods manufactured or services provided by them for a period not exceeding two years from the date of commencement of this Act' was amended further as detailed below: 1. The words 'two years' was substituted by the words 'four years' by the TNTIT (Amendment) Act, 2002 (Tamil Nadu Act 43 of 2002) sec. 2 (w.e.f. 30.09.2002). 2. The words 'four years' was substituted by the words 'six years' by the TNTIT (Amendment) Act, 2004 (Tamil Nadu Act 33 of 2004) sec. 2 (w.e.f. 01.10.2004). 3. The words 'six years' was substituted by the words 'eleven years' by the TNTIT (Amendment) Act, 2006 (Tamil Nadu Act 28 of 2006) sec. 2 (w.e.f. 01.10.2006) 4. The words 'eleven years' was substituted by the words 'sixteen years' by the TNTIT (Amendment) Act, 2012 (Tamil Nadu Act 6 of 2012) sec. 2 (w.e.f. 01.10.2011].*[Substituted for '(c) from certain departments of Government, public sector undertakings, statutory boards and such other institutions only in respect of goods manufactured or services provided by them for a period not exceeding sixteen years from the date of commencement of this Act' by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012), sec. 5(i) [TNGGE No.320 / 15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*

[22] *Omitted by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(3), w.e.f. 26-06-2018. (TNGGE No. 136, dated 13.04.2018 & TNGGE No. 224 / 26-06-2018 (No.II(2)FIN/549(d))/2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].) *[(dd) from domestic enterprises only in respect of goods manufactured or produced, services rendered by them]: Provided that such procurement shall not exceed twenty five percent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining seventy five percent:Provided further that in case of a single procurement involving clauses (c) and (dd), such procurement shall not exceed forty percent of the total requirement in that procurement.*[the clause- '(dd) from domestic small scale industrial unit for the reserved items identified by the Central Government: Provided that where a procuring entity intends to procure any of such reserved items, the procuring entity shall procure such item from the domestic small scale industrial units and the provisions of sections 9 and 10 shall apply to such procurement' -inserted by the TNTIT (Amendment) Act, 2001 (Tamil Nadu Act 14 of 2001) sec.3 [TNGGE No.667 / 24-09-2001] (w.e.f. 1-12-2001). [TNGGE No.44 / 21-11-2001 (No.II(2) / FIN / 888(m-a) / 2001.- G.O.Ms. No.451, Finance (Salaries), 16th Nov. 2001]. - Substituted by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012), sec. 5(i) [TNGGE No.320 / 15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012] as detailed below,'(dd) from domestic small-scale industrial units in respect of goods manufactured by them: Provided that such procurement shall not exceed twenty five percent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining seventy five percent: Provided further that in case of a single procurement, involving clauses (c) and (dd), such procurement shall not exceed forty percent of the total requirement in that procurement.' - further substituted, excluding provisos thereto ''(dd) from domestic enterprises only in respect of goods manufactured or produced, services provided or rendered by them:'';, by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017), sec. 3(i) [TNGG No.261 / 07-08-2017] (w.e.f. 19.09.2017) [TNGG No.295 / 19-09-2017 (No. II(2)/FIN/783(d)/2017) - [G.O. Ms. No. 269, Finance (Salaries), 19th Sept. 2017].]*

[23][(e) from the rate contracts of Association of State Road Transport Undertakings;]

[24][(f) by spot purchase of agricultural commodities, agricultural produce and livestock from primary producers; by spot purchase of cotton by Spinning Mills; by spot purchase of animals for the Government programmes or schemes or for the Government departments from *shanties*; of Sugarcane purchase from farmers by the State Public Sector Undertakings or Co-operative Sugar Mills; of paddy by Direct Purchase Centres of the Tamil Nadu Civil Supplies Corporation; of clothing by the Government Departments or the State Public Sector Undertakings from the Tamil Nadu Handloom Weavers' Co-operative Society; and [25][from similar organizations] and of similar goods and services, as may be notified by the Government;]

[26][(g) of cement from the Tamil Nadu Cement Corporation Limited, or of paper from the Tamil Nadu Newsprints and Papers Limited:

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[23] *Substituted for '(e) from the rate contracts of Director-General of Supplies and Disposals and Association of State Road Transport Undertakings' by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(4) [TNGGE No.136 / 13-04-2018], w.e.f. 26-06-2018. [TNGGE No.224 / 26-06-2018] (No.II(2)FIN/549(d))/2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*

[24] *Substituted for '(f) by spot purchase of cotton by Spinning Mills, Oil Seeds and Oils by Tamil Nadu Agro Industries Corporation or Tamil Nadu Oil Seeds Growers' Federation Limited, animals from shanties,Sugarcane by Sugar Mills, Paddy by direct purchase centres of Tamil Nadu Civil Supplies Corporation, Clothing by Co-optex from registered Primary Weaver Co-operatives, Milk by Tamil Nadu Co-operative Milk Producers' Federation from Districts and Primary Milk Co-operative Societies, Palm oil by Tamil Nadu Civil Supplies Corporation from Tamil Nadu Oil Seeds Growers' Federation for Noon Meal Scheme, Clothing by Government Departments, Public Sector Undertakings and statutory departments from Co-optex and similar organisations and materials as may be notified by Government' by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec. 5(iii) [TNGGE No.320 / 15-11-2012], (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012].*

[25] *Substituted for the expression "by similar organisations" by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(5) [TNGGE No.136 / 13-04-2018], w.e.f. 26-06-2018. [TNGGE No.224 / 26-06-2018] (No.II(2)FIN/549(d))/2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*

[26] *Added by the TNTIT (Amendment) Act, 2001 (Tamil Nadu Act 14 of 2001) sec. 3(b) [TNGGE No.667 / 24-09-2001] (w.e.f. 1-12-2001). [TNGGE No.44 / 21-11-2001 (No.II(2) / FIN / 888(m-a) / 2001.- G.O.Ms. No.451, Finance (Salaries), 16th Nov. 2001].*

Provided that,-

(a) a committee consisting of the Secretary to Government, Industries Department, the Secretary to Government, Finance Department and the Chairman-cum-Managing Director or the Managing Director, Tamil Nadu Cement Corporation Limited shall determine the price of cement to be procured;

(b) the price of paper shall be negotiated with the Tamil Nadu Newsprints and Papers Limited by the procuring entity.]

[27][(h) by the Co-operative Federations from their Federating units or Primary Co-operative Societies, of goods manufactured or services provided by them.]

[28][(i) of question papers, required for conducting examinations subject to a certificate to be recorded by the procuring entity in the following format, namely.-

*"I am personally satisfied that material procured are of requisite quality and specifications and have been procured from a reliable supplier at a reasonable price."*

[29][(j) of consultancy and financial services from the Tamil Nadu Water Investment Company Limited or the Tamil Nadu Infrastructure Fund Management Corporation Limited or the Tamil Nadu Urban Infrastructure Financial Services Limited with the prior approval of the Government:

Provided that a committee, consisting of the Secretary to Government of the Department concerned, the Secretary to Government, Finance Department and the Managing Director or the Chief Executive Officer concerned, of Tamil Nadu Water Investment Company Limited or the Tamil Nadu Infrastructure Fund Management Corporation Limited or the Tamil Nadu Urban Infrastructure Financial Services Limited, as the case may be, shall determine the fee for the services to be procured;

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[27] *Added by the TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012) sec. 5(iv) [TNGGE No.320 / 15-11-2012], (w.e.f. 07-12-2012) [TNGGE No.342 / 7-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th December, 2012]..*

[28] *Added by the TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017), sec. 3(ii) [TNGG No.261 / 07-08-2017] (w.e.f. 19-09-2017) [TNGG No.295 / 19-09-2017 (No.II(2)/FIN/783(d)/2017) - [G.O. Ms. No. 269, Finance (Salaries), 19th September 2017].*

[29] *Added by the TNTIT (Amendment) Act, 2018 (Tamil Nadu Act 11 of 2018), sec. 2 [TNGGE No.46 / 31-01-2018], (w.e.f. 17-10-2017) It shall be deemed to have come into force on the 17th day of October 2017. Tamil Nadu Ordinance 6 of 2017. [TNGGE No.333 / 17-10-2017].*

(k) of coal from Coal India Limited or Singareni Collieries Company Limited or any other similar Public Sector Undertakings;

(l) of services of chartering of vessels owned by the Shipping Corporation of India;]

[30][(m) from the Government e-Marketplace (GeM) - Special Purpose Vehicle through rate contract, on-line bidding, on-line reverse auction and any other mechanism provided by the said Government e-Marketplace - Special Purpose Vehicle, as may be notified by the Government.]

**17. Officers deemed to be Public Servant.-** Every Officer acting under or in pursuance of the provisions of this Act or rule or order or notification made thereunder, shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

**18. Indemnity.-** No suit or other legal proceeding shall lie against the Government or any officer or authority of the Government in respect of anything which is in good faith done or intended to be done.

**19. Bar of Jurisdiction.-** Save as otherwise provided in this Act no order passed or proceeding 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 pursuance of any power conferred by or under this Act.

**20. 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 or agreement or decree or order of a Court or a Tribunal or other Authority.

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[30] *Added by the TNTIT (Second Amendment) Act, 2018, (Tamil Nadu Act 17 of 2018), sec. 7(6) [TNGGE No.136 / 13-04-2018], (w.e.f. 26-06-2018.) [TNGGE No.224 / 26-06-2018] (No.II(2)FIN/549(d))/2018 - G.O.Ms. No.206, Finance (Salaries), 26th June 2018].*



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**21. Power to remove difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions, not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

[31][...]

**22. Power to make rules.-** (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the date on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(3) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly; and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or to 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.

**23. Savings.-** All the existing rules, regulations, departmental codes, manuals, orders shall so far as they are not inconsistent with the provisions of this Act and the rules made thereunder, continue in force.

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[31] *Omitted - 'Provided that no such order shall be made after expiry of a period of two years from the date of commencement of this Act' by the TNTIT (Amendment) Act, 2002 (Tamil Nadu Act 43 of 2002) sec. 3 (sec.1(2) deemed to have come into force on the 30-09-2002) [TNGGE No.757 / 18-11-2002].*



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## THE SCHEDULE.

*[See section 2(e)].*

### PROCURING ENTITY.

1. Government Departments.
2. Public Sector Undertakings of the Government.
3. Statutory Boards formed by the Government.
4. Local Bodies in the State.
5. Co-operative Institutions in the State.
6. Universities.
7. Societies formed by the Government.

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# TAMIL NADU TRANSPARENCY IN TENDERS RULES, 2000.

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# TAMIL NADU TRANSPARENCY IN TENDERS RULES, 2000.

[Published in TNGGE No.700, Dated 1st October 2000 - Part-III – Section 1(a) of. (No.SRO.A-81 (c) / 2000 - G.O.Ms.No.446 / 26th September, 2000)].

*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 rules, namely.-*

## CHAPTER-I.

## PRELIMINARY.

**1. Short title and commencement.-** (a) These rules may be called the Tamil Nadu Transparency in Tenders Rules, 2000.

(b) They shall come into force on the date 1st October, 2000.

[1][(c) These rules shall apply to all types of procurement except the procurement of Projects under the Public Private Partnerships.]

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context,-

(a) **'Act'** means the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998);

(b) **'Supply and Installation Contract'** means a contract under which the tenderer is required to supply, erect, test and commission the equipment at the place specified by the Procuring Entity;

(c) **'Fixed Rate Contract'** means a contract where a set of rates and terms and conditions are fixed for the supply of unit quantities of goods or certain standardized services;

(d) **'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;

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[1] *Added by Amt. No.1(c). [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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(e) **'Two-cover System'** means a procedure under which the tenderers are required to simultaneously submit two separate sealed covers, one containing the Earnest Money Deposit and the details of their capability to undertake the tender which will be opened first and the second cover containing the [2][financial] quotation which will be opened only if the tenderer is found qualified to execute the tender;

(f) **'Earnest Money Deposit (EMD)'** means the amount required to be remitted by a tenderer along with his tender indicating his willingness to implement the contract;

[3][(g) **'Lump-sum Contract'** means a contract under which a tenderer is engaged to carry out a work or effect supply as specified within a given period and for a fixed total price and the tenderer is paid depending on the completion of work or supply to specification and adherence to the time schedule:

Provided that where appropriate, unit rates or prices for each of the various items comprising such work or supply may also be specified to facilitate interim payments depending on the actual quantities of work executed or supplies effected.

(h) **'Multi-Stage Tender'** means a tender in which there are atleast two stages including an initial stage of short-listing based on the fulfillment of eligibility criteria based on experience and financial or technical parameters or both and a final stage in which only the qualified, short-listed tenderers are invited to submit their financial bids;

(i) **'Piece-Work Contract'** means a contract under which only unit rates or prices for various kinds of work or materials are agreed upon for a given period of time without reference to the total quantity of work to be done or the material to be supplied and the time period within which the work or supply is to be completed;

(j) **'Turn-key Contract'** is a contract under which the tenderer is required to undertake within the framework specified by the Procuring Entity the entire responsibility for detailed investigation, planning, design, construction and commissioning of the total project.]

**-oOo-**

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[2] *Substituted by Amt.No.2(a) for ['price'. [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[3] *Substituted by Amt. No.2(b) for clause '(g)"piece-work contract" and "lump-sum contract" shall have the same meaning as in the Tamil Nadu Public Department Code' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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## 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; and

(ii) Supply of Goods and Services.

(2) While the provisions of these rules shall apply in general to each of the categories of procurement in sub-rule (1), where a specific provision has been made in the rules regarding any specific category, that specific provision shall prevail as against any general provision in so far as that category of procurement is concerned.

**4. Methods of Tendering.-** (1) Procurement of different categories shall be effected by the following methods of tendering, namely:-

(i) Piece-work Contract;

(ii) Lump-sum Contract;

(iii) Turn-key Contract;

(iv) Multi-stage contracting including pre-qualification and two cover system; and

(v) Fixed Rate Contract.

(2) The Tender Inviting Authority shall decide the method of tendering to be followed in each case having regard to the category, size and complexity of the procurement.

(3) While the provisions of these rules shall apply to each of the methods of procurement indicated in sub-rule (1) generally where a specific provision has been made in these rules regarding a particular method of tendering, such specific provision shall prevail as against any general provision in so far as that particular method of tendering is concerned.

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## CHAPTER-III.

## PUBLICITY.

**5. Publication of Tender Bulletin.-** (1) The District Tender Bulletin shall be published [4][by electronic mode] by the District Tender Bulletin Officer at least once in every week.

(2) The State Tender Bulletin shall be published [5][by electronic mode] by the State Tender Bulletin Officer at least once in every week.

(3) The Tender Bulletin Officer shall cause to be published all Notices Inviting Tenders and intimations of acceptance of tenders received upto twenty four hours prior to the actual publication of the bulletin.

(4) In case a Notice Inviting Tender or information relating to acceptance of the tender needs to be published urgently, then the Secretary to Government of the concerned administrative department in the case of the State Tender Bulletin or the District Collector in the case of the District Tender Bulletin can for reasons to be recorded in writing, direct the respective Tender Bulletin Officers to publish an extraordinary issue of the Tender Bulletin.

**6. Distribution of Tender Bulletins.-** [6][(1) The Tender Bulletin Officer shall deliver the Tender Bulletin to the registered subscribers by e-mail and publish tender bulletins in the dedicated website administered by the State Tender Bulletin Officer for viewing or downloading by tenderers or any person subscribing to Tender Bulletins.]

[7][(2) ...]

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[4] *Inserted by Amt. No.1(i) [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*

[5] *Inserted by Amt. No.1(ii), [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*

[6] *Substituted by Amt. No.2(i) for "(1) The Tender Bulletin Officer shall make the Tender Bulletin available at any office of a Government Department, local authority, statutory board, public sector undertaking, local body, university or co-operative institution" [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*

[7] *Omitted by Amt. No.2(ii) "(2) The Tender Bulletin Officer shall make available adequate copies of the tender bulletin at the office of the Tender Inviting Authority whose notice inviting tenders and intimation of tender acceptance finds place in the bulletin." [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018)–G.O.Ms.No.207 / 26-06-2018].*



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(3) Any person or institution can be enrolled as a regular subscriber to the tender bulletin on payment of a fixed fee annually, half-yearly or quarterly, as the case may be.

**7. Tender Bulletin to contain information only.-** (1) The tender bulletin shall contain only information of the Notice Inviting Tenders and the orders accepting a tender and does not in itself create a legal right or liability.

(2) A Notice Inviting Tender will not be invalidated merely on the grounds that the notice although published in newspapers has not been published in one or the other of the District Tender Bulletins or State Tender Bulletins or when published in the State Tender Bulletin could not be published in a District Tender Bulletin or vice versa.

**8. Information to be published in the District Tender Bulletin.-** Subject to the provisions of rule 10, Notices Inviting Tenders and decisions on tenders in all cases where the value of the procurement exceeds rupees [8][ten lakhs and is] below rupees twenty five lakhs shall be published in the District Tender Bulletin of the district where the headquarters of the Tender Inviting Authority is located and in the district where the work is to be executed or the goods and services supplied.

**9. Information to be published in the State Tender Bulletin.-** The Notice Inviting Tenders and decisions on tenders shall be published in the State Tender Bulletin in cases where.-

(a) The value of procurement exceeds rupees twenty five lakhs;

(b) The Tender Inviting Authority is a Secretary to Government, or a head of a Government department, or Local Authority or the Chief Executive of a Public Sector Undertaking, Statutory Board, Apex Cooperative Institution, University or State Level Society formed by the Government.

(c) In any other case, where the Tender Inviting Authority deems it fit.

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[8] *Substituted by Amt. No.3 for the expression 'five lakhs or' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11-12-2012].*



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**10. Details to be mentioned in Notice Inviting Tenders.-** The Notice Inviting Tenders 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;

(b) Name of the scheme, project or programme for which the procurement is to be effected;

(c) The date upto which and places from where the tender documents can be obtained;

(d) The amount of Earnest Money Deposit (EMD) payable;

(e) The last date and time for receipt of tenders;

(f) The date, time and place for opening of tenders received; and

(g) Any other information the Tender Inviting Authority considers relevant.

**11. Publication of Notice Inviting Tenders in Newspapers.-** (1) The Tender Inviting Authority shall have the Notice Inviting Tenders published in the Indian Trade Journal in all cases where the value of procurement exceeds rupees [9][seventy five crores].

[10][(2) The Tender Inviting Authority shall have the Notice Inviting Tenders published in daily newspapers. The number, editions and language of the newspapers in which the Notice Inviting Tenders shall be published will be based on the value of procurement as specified in the Annexure.]

(3) In cases where publication of Tender Inviting Notice is to be done only in Newspapers with circulation within the District, the Information and Public Relations Officer attached to the District Collectorate shall be the competent authority to release the advertisement and in all other cases the competent authority to release the advertisement shall be the Director of Information and Public Relations, Chennai.

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[9] *Substituted by Amt No.3(i) for the words 'fifty crores' [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].[Earlier for the words '[ten crores]' were substituted by '[fifty crores]' by Amt. No.1 [TNGGE No.212 / 18-08-2009 (No.SRO A-22(a)/2009) - G.O.Ms.No.392 /18th August, 2009].*

[10] *Substituted by Amt No.3(ii) for sub-rule '(2) The number, editions and language of the newspapers in which the Notice Inviting Tenders shall be published will be based on the value of procurement' [TNGGE No.225, dated 26-06-2018 (No. SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*



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(4) The Notice Inviting Tender shall be given due publicity in Newspapers and also on notice boards in the District Offices. For tenders above rupees fifty lakhs, Director of Information and Public Relations will publish the Notice Inviting Tenders as per instructions of the [11][Procuring Entity]. For other tenders, Director of Information and Public Relations will publish keeping in mind the request of the department. There should not be any additional insertion and no publication of Notice Inviting Tenders in newspapers not requested by the [11][Procuring Entity] for tenders above rupees fifty lakhs.

**12. Sending Notice Inviting Tenders to all possible tenderers.-** The Tender Inviting Authority may if he considers necessary, send the Notice Inviting Tenders to all possible tenderers including registered contractor, past supplier, any potential supplier and any other well known company or firm directly.

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[11] *Substituted by Amt. No.4 for the expression 'tendering department' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

## CHAPTER IV.

## NOTICE INVITING TENDERS AND TENDER DOCUMENTS.

**13. 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.

(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:

[12][Provided that such specifications should as far as practicable specify the output or service levels to be delivered.]

(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:

Provided that for large and prestigious projects, the Government shall permit any Procuring Entity to engage a qualified private architect or consultant to prepare the design and estimates; and

(d) in case alternative designs or materials are permitted, the conditions for their acceptability and the method of their evaluation shall be clearly stated.

[13][**13-A. General Condition.-** The tender document shall include a condition that all the contractors and sub-contractors hired by main contractors shall engage construction workers registered with the Construction Workers Welfare Board as required under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996).]

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[12] *Added by Amt. No.(4) [TNGGE No.345, dated 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[13] *Inserted by Amt. No.1 [TNGGE No. 332, dated 17-10-2017 (No.SRO A-46(d)/2017) - G.O.Ms.No.309 / 17-10-2017].*



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**14. Commercial Conditions.-** [14][(1) The tender documents shall require all tenderers without exception to pay an Earnest Money Deposit (EMD) ordinarily not exceeding one per cent of the value of the procurement by means of [electronic mode of payment or] in the form of a demand draft, bankers cheque, specified small savings instruments or where the procuring entity deems fit, irrevocable bank guarantee in a prescribed form. The tender documents shall clearly state that any tender submitted without the Earnest Money Deposit (EMD) in the approved form be summarily rejected:]

Provided that any category of tenderers specifically exempted by the Government from the payment of Earnest Money Deposit (EMD) will not be required to make such a deposit.

(2) The tender documents shall specify the period for which the tenderer should hold the [15][financial bids] offered in the tender valid:

[16][Provided that the initial period of validity shall ordinarily be 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 subject to the conditions that.-

(a) the amount of the deposit not exceeding five per cent of the value of the orders placed: and

[17][(b) The deposit being in the form of electronic mode of payment or in the form of demand draft or banker's cheque or specified small savings instruments or where the procuring entity deems fit, irrevocable bank guarantee in an approved form.]

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[14] *Substituted excluding the proviso thereto by Amt No.1(i) for insertion of "electronic mode of payment or" [TNGGE No. 296, dated 19-09-2017- G.O.Ms.No.271 / 19th September 2017].*

[15] *Substituted by Amt. No.6(a)(i) for the expression "prices" [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[16] *Substituted by Amt. No.6(a)(ii) for the proviso 'Provided that the initial period of validity shall not be less than ninety days,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[17] *Substituted by Amt No.1(ii) for insertion of "electronic mode of payment or in the form of" TNGGE No. 296, dated 19-09-2017- G.O.Ms.No.271 / 19th September 2017].*



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(4) The tender documents shall clearly indicate the payment terms conforming to the following requirements.-

[18][(a) Payment shall ordinarily be effected only on completion of delivery against the orders placed:

Provided that payment of advance may be made in the following cases for sufficient reasons to be recorded by the Procuring Entity:-

(i) in cases where goods, commodities and services are procured through imports requiring opening of Letter of Credit;

(ii) in cases where there is single source of supply only and where the practice of paying advance is already in vogue as a standard practice;

(iii) in cases of purchase during natural calamities and emergencies declared by the Government under clause (a) of section 16 of the Act;

(iv) in cases of purchase of life saving drugs; and

(v) in cases where the standard commercial terms of supply require payment of advance by the Procuring Entity, such as the machinery and equipment manufacturers for sugar and cement plants.]

(b) Mobilization advances may be paid in the case of construction or supply and installation contracts of a large and complex nature, for a value exceeding rupees one crore:

Provided that such mobilization advances shall not ordinarily exceed ten per cent of the value of the contract, shall be secured against irrevocable bank guarantee and shall be recovered in the subsequent bills payable along with interest as per specific terms set in the tender documents

Provided further that in case of mobilisation advances for plant machinery and equipment, they are also hypothecated to the Governor of Tamil Nadu in addition to other requirements;

(c) Percentage of payment to be withheld for the effective performance of the contract:

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[18] *Substituted by Amendment for the clause 'Payment shall ordinarily be effected only on completion of delivery against the orders placed, subject to the exceptions specified in the tender documents,' [TNGG No.14 / 14-04-2004 (No.SRO A-12/2004) - G.O.Ms.No.107 / 23rd March, 2004].*



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Provided that withheld amounts do not exceed ten per cent of the total value of contract;

(d) Payment terms for imports shall be based on standard terms of international trade and the payment may be effected through irrevocable Letters of Credit drawn on banks;

(5) The tender documents shall clearly indicate whether any variations in the commercial terms prescribed in the documents will be permitted and if so to what extent such variations would be considered.

(6) 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 or whole of the contract.

(7) The tender documents shall clearly indicate the terms on which the tenderers will be required to quote their [19][financial bid] which should be inclusive of all costs of delivery at the final destination such as transportation, payment of duties and taxes leviable, insurance and any incidental services and giving the break up thereof.

[20] & [21][(7-A) The tender documents shall include then details of purchase preference as provided in the Chapter VI-A.]

(8) The tender documents shall include a price adjustment clause to reflect any changes either upward or downward in major cost components such as labour, equipment, material and fuel, based on a prescribed formula in the case of large contracts where the period of execution is likely to exceed eighteen months.

(9) The tender documents shall indicate the quantity proposed to be procured in the tender, and the Tender Accepting Authority shall 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.

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[19] *Substituted by Amt No.6(b)(i) for the expression 'prices,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[20] *Inserted by Amt. No.1, '(7-A) The tender documents shall clearly indicate the criteria for evaluation and comparison of tenders and shall also provide for a price preference of fifteen percent for domestic small scale industrial units and ten percent for the Public Sector Undertakings of the Government in respect of products and quantities manufactured by them' [TNGG No.44 / 21-11-2001 (No.SRO A-72(m-a)/2001) - G.O.Ms.No.452 / 16th November, 2001]. (w.e.f. 1-12-2001) and then Omitted by Amt. No.6(b)(ii), [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[21] *Inserted by Amt No.4 [TNGGE No.225, dated 26-06-2018 (No. SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*



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**15. Tender documents to clearly specify evaluation criteria.-** (1) The tender documents shall clearly indicate the criteria [22][including financial bid] which are to be adopted for evaluating the tenders and how such criteria will be quantified or evaluated; and

[23][(2) The qualification criteria in terms of the registration of contractors in the cases where the Procuring Entity has a system of registration of contractors, the required experience, available manufacturing and construction capacity, technical and other manpower and financial status shall be clearly stated in the tender documents.]

**16. Supply of Tender Documents.-** (1) The Tender Inviting Authority shall make available the tender documents [24][from the date of publication of the Notice Inviting Tenders].

[25][(2) The Tender Inviting Authority shall ensure that the tender documents are made available to any person who is willing to remit the cost of such documents.]

[26][(3) (a) The tender documents shall be made available at:-

(i) the office of the Tender Inviting Authority;

(ii) any other office or place indicated by the Procuring Entity.

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[22] *Substituted by Amt. No.7 for the expression 'in addition to price,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[23] *Substituted by Amt. No.1 for the clause 'The qualification criteria in terms of required experience, available manufacturing and construction capacity, technical and other manpower and financial status shall be clearly stated in the tender documents,' [TNGGE No.127 / 22-05-2007 (No.SRO A-19(c))/2007) - G.O.Ms.No.177 / 22nd May, 2007].*

[24] *Substituted by Amt. No.8 for the expression 'from the date of publication of the tender,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[25] *Substituted by Amt. No.2(a) for the sub-rule '(2) The Tender Inviting Authority shall ensure that the tender documents are made available to any person who is willing to remit the cost of the documents:' 'Provided that in cases where the procuring entity has a system of registration of contractors, the tender documents will be supplied only to registered contractors in the appropriate class,' [TNGGE No.127 / 22-05-2007 (No.SRO A-19(c))/2007) - G.O.Ms.No.177 / 22nd May, 2007].*

[26] *Substituted by Amt. No.2(b) for the sub-rule '(3) The tender documents shall be made available at the following offices, namely:- (i) the office of the Tender Inviting Authority; (ii) any other office or place indicated by the procuring entity,' [TNGGE No.127 / 22-05-2007 (No.SRO A-19(c))/2007) - G.O.Ms.No.177 / 22nd May, 2007].*

(b) In respect of procurement where the estimated value of procurement is [Rupees Twenty Five Lakhs and above in value for construction and Rupees Ten Lakhs and above in value for other categories of procurement inclusive of consultancies for construction], the tender document shall be made available for downloading free of cost at the website designated for this purpose by the Government. Tender documents may also be made available free of cost at such other websites as may be indicated by the Tender Inviting Authority.]

(4) The Tender Inviting Authority shall send by registered post or courier the tender documents to any prospective tenderer who makes a request for the documents on payment of cost along with postal charges at the risk and responsibility of the prospective tenderer.

**17. Clarification to Tender Documents.-** [27][(1) At any time after the issue 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 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.]

[28][(2) In case any tenderer asks for a 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.]

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[27] *Substituted by Amt. No.1(a) for sub-rule '(1) At any time after the issue 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 shall send intimation of such change to all those who have purchased the original tender documents,' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*

[28] *Substituted by Amt. No.1(b) for sub-rule '(2) In case any one tenderer asks for a clarification to 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.' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*



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

**18. Place and time for receipt of tenders.-** [29][(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.]

(2) The Tender Inviting Authority shall take all measures to ensure that no intending tenderer is hindered in submitting his tender.

[30][(3) The Tender Inviting Authority shall permit the submission of tenders by post or courier or by electronic submission through the designated website, wherever applicable:

Provided that the Tender Inviting Authority shall not be responsible for any delay in transit in such cases.]

(4) The Tender Inviting Authority shall not accept any tenders submitted by facsimile (fax) [31][...].

(5) The Tender Inviting Authority may extend the last date and time for receiving tenders [32][which shall be published on the designated website also] after giving adequate notice to all intending tenderers in cases 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 sub-rule (1) of rule 17 took time;

(c) any of the tenderers requested clarifications, the communication of which took time to all the tenderers; and

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[29] *Substituted by Amt No.2 (a) for the sub-rule '(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.' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*

[30] *Substituted by Amt. No.2(b) for sub-rule '(3)The Tender Inviting Authority shall permit the submission of tenders by post or courier, provided that the Tender Inviting Authority shall not be responsible for any delay in transit in such cases,' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th September, 2007].*

[31] *Omitted by Amt. No.2(c) the expression 'of by electronic mail'. [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*

[32] *Inserted by Amt. No.2(d) after the expression 'receiving tenders' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th September., 2007].*



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(d) any other reasonable grounds exist, for such extension which shall be recorded in writing by the Tender Inviting Authority.

[33][(e) in the case of tenders not submitted electronically, the tenderer shall ensure that all the pages are serially numbered and the submitted tender documents are properly stitched and bound.]

**19. Marking of covers in which the tender is submitted.-** The tenderer shall be responsible for properly superscribing and sealing the cover in which the tender is submitted and the Tender Inviting Authority shall not be responsible for accidental opening of the covers that are not properly superscripted and sealed as required in the tender documents before the time appointed for tender opening.

**20. Minimum time for submission of tenders.-** (1) The Tender Inviting Authority shall ensure that adequate time is provided for the submission of tenders and a minimum time is allowed between date of publication of the Notice Inviting Tenders in the relevant Tender Bulletin or in the newspapers whichever is later and the last date for submission of tenders. This minimum period shall be as follows.-

(a) for tenders upto rupees two crores in value, fifteen days; and

(b) for tenders in excess of rupees two crores in value, thirty days.

(2) Any reduction in the time stipulated as per sub-rule (1) has to be specifically authorized by an authority superior to the Tender Inviting Authority for reasons to be recorded in writing.

[34][**20-A. Withdrawal of Tenders Before Opening:-** (1) No tenderer shall be allowed to withdraw the tenders after submitting the tender.

(2) A Tenderer may submit a modified tender before the last date for receipt of tender:

Provided that where more than one tender is submitted by the same tenderer, the lowest eligible financial tender shall be considered for evaluation.]

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[33] *Added by Amt. No.(9) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[34] *Added by Amt. No.(10) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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**21. Opening of Tenders.-** (1) All the tenders received by the [35][Tender Inviting Authority] shall be [36][opened at the time and venue] specified in the Notice Inviting Tenders and in cases where an extension of time for the submission of tenders has been given subsequent to the original Notice Inviting Tenders in accordance with sub-rule (5) of rule 18 at the time so specified subsequently. [37][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.]

(2) The time specified for the opening of tenders shall be immediately after the closing time specified for the receipt of tenders allowing a reasonable period, not exceeding one hour, for the transportation of the tenders received to the place they are to be opened in the presence of the tenderers who choose to be present.

(3) The tenders will be opened in the presence of the tenderers or one representative of the tenderer who chooses to be present.

**22. Procedure to be followed at tender opening.-** The following procedure shall be followed at the tender opening.-

[38][(a) All the envelopes containing tenders and the tenders received through the electronic mail in the designated website shall be counted.]

(b) All the tenders received in time shall be opened.

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[35] *Substituted by Amt. No.(11)(a) for the expression 'Tender Accepting Authority,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[36] *Substituted by Amt. No.(11)(b) for the expression 'opened at the time,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[37] *Added by Amt No.3, [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th September, 2007].*

[38] *Substituted for the clause '(a) All the envelope containing tenders shall be counted,' by Am.t No.4(a), [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*



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[39][(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.];

(d) On opening of the tender, the members of the Tender Scrutiny Committee shall initial the main bid_including the prices and any corrections;

(e) A record of the corrections noticed at the time of the bid opening shall be maintained;

(f) The name of the tenderers and the quoted prices should be read out aloud.

(g) the fact whether earnest money deposit has been submitted and other documents required produced may be indicated, but this shall be merely an examination of the documents and not an evaluation;

(h) Minutes of the tender opening shall be recorded.[40][...]

[41][(i) The signatures of all the tenderers present shall be obtained and if any of the tenderers or his representative refuses to sign the minutes, the same shall be recorded.]

**23. Changes and alterations not to be permitted after tender opening.-** No changes, amendments which materially alter the tendered prices shall be permitted after the opening of the tender, except as per the procedure prescribed in sub-section (3) of section 10 of the Act.

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[39] *Substituted by Amt. No.4(b) for clause '(c) Any tender received subsequently shall not be opened and shall be returned unopened to the tenderer,' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*

[40] *Omitted by Amt. No.(12)(a) the expression 'The signatures of the tenderers present shall be obtained unless any of the tenderers or his representative refuses to sign the minutes,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[41] *Added by Amt. No.(12)(b), [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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**24. Tender Scrutiny Committee.-** (1) A Tender Scrutiny Committee may be constituted to scrutinize the tender documents, supervise opening of tenders, to 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 constitution of a Tender Scrutiny Committee will be obligatory in all cases where the value of the procurement exceeds limit as may be specified.

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## CHAPTER-VI.

## TENDER EVALUATION.

**25. 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 the evaluation criteria indicated in the tender documents.

**26. Time taken for evaluation and extension of tender validity.-** (1) The evaluation of tenders and award of contract shall be completed, as far as may be practicable, within the period for which the tenders are held valid.

(2) The Tender Accepting Authority [42][may] seek extension of the validity of tenders for the completion of evaluation:

[43][Provided that sum total of all extensions shall ordinarily not exceed 180 (one hundred and eighty) days.]

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

**27. Process of tender evaluation to be confidential until the award of the contract is notified.-** (1) Subject to the provision of [44][sections 13 and 14 of the Act], the Tender Inviting Authority shall ensure the confidentiality of the process of tender evaluation until orders on the tenders are passed.

(2) The Tender Accepting Authority shall cause the information on orders passed on the tenders published in the Tender Bulletin.

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[42] *Substituted by Amt. No.(13)(a) for the expression 'shall' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[43] *Added by Amt. No.13(b) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[44] *Substituted by Amt. No.14 for the expression 'sections 12 and 13 of the Act,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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(3) Tenderers shall not make attempts to establish unsolicited and unauthorised 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 any attempt by any tenderer to bring to bear extraneous pressures on the Tender Accepting Authority shall be sufficient reason to disqualify the tenderer.

(4) Notwithstanding anything contained in sub-rule (3), the Tender Inviting Authority or the Tender Accepting Authority may seek bonafide clarifications from tenderers relating to the tenders submitted by them during the evaluation of tenders.

**28. 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) The initial examination shall consider the following factors, namely:-

(a) Whether the tenderer meets the eligibility criteria laid down in the tender documents;

[45][(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.]

(c) Whether the requisite Earnest Money Deposit (EMD) has been furnished;

(d) Whether the tender is substantially responsive to the technical specifications, commercial conditions 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.

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[45] *Substituted by Amt. No.5 for clause '(b) whether the crucial documents have been duly signed,' [TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007].*



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**29. Determination of the lowest evaluated price.-** (1) Out of the tenders found to be substantially responsive after the initial examination, the tenderers who has bid the lowest evaluated price in accordance with the evaluation criteria or the tenderers 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) the quoted price shall be corrected for arithmetical errors;

(b) in cases of discrepancy between the prices quoted in words and in figures, lower of the two shall be considered;

(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;

[46][(d) the evaluation shall include [47][State Goods and Services Tax, Central Goods and Services Tax, Integrated Goods and Services Tax, and all central duties such as customs duty] as a part of the price, as detailed below: -

(i) in evaluation of the price of an imported item, the price has to be determined inclusive of the customs duty;

(ii) in evaluation of the price of articles which are subject to [48][State Goods and Services Tax, Central Goods and Services Tax, Integrated Goods and Services Tax], the price has to be determined inclusive of such [48][State Goods and Services Tax, Central Goods and Services Tax, Integrated Goods and Services Tax];

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[46] *Substituted by Amt. No.1 for the clause '(d) the evaluation shall include all central duties such as customs duty and central excise duty as a part of the price, but shall exclude sales tax if the bidders are from other States and Tamil Nadu,' [TNGGE No.281 / 09-10-2003 (No.SRO A-42(e)/2003) - G.O.Ms.No.412 / 09th October, 2003].*

[47] *Substituted by Amt. No.(i) for the expression 'all central duties such as customs duty and central excise duty and sales tax'' [TNGGE No.228, dated 13-07-2017 (No.SRO A-33(b)/2017) - G.O.Ms.No.215 /13th July 2017].*

[48] *Substituted by Amt. No.(ii) for the expression 'central excise' occurring in two places [TNGGE No.228, dated 13-07-2017 (No.SRO A-33(b)/2017) - G.O.Ms.No.215 / 13th July 2017].*



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[49][(iii) and (iv) ...]

(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.

[50](f) [51][...]

(3) In order to secure the best possible procurement price, negotiations with tenderer determined as per [52][sub-rules (1) and (2) of this rule] are permissible subject to provisions in section 10 of the Act.

[53][(4) In the event that two or more tenderers have made the same financial bid and the splitting of the tender is not possible in accordance with sub-section (5) of section 10 of the Act, the Tender Accepting Authority shall identify the lowest tenderer by adopting one of the following approaches, which shall be pre-specified in the Tender Documents:

(a) In case of multi-stage tenders, by taking into account the qualification score of each tenderer from the first stage and the tenderer with higher score shall be adjudged the Lowest Tenderer; or

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[49] *Omitted by Amt. No.(iii) and (iv) for sub-caluses (iii) in a tender where all the tenderers are from within the State of Tamil Nadu, or where all the tenderers are from outside the State of Tamil Nadu, the ^[Value Added Tax] shall be included for the evaluation of the price; and (iv) In a tender where the tenderers are both from the State of Tamil Nadu as well as from outside the State of Tamil Nadu, &[the Value Added Tax levied under Tamil Nadu Value Added Tax Act, 2006 (Tamil Nadu Act 32 of 2006)] shall be excluded for the evaluation of the price.] [TNGGE No.228, dated 13-07-2017 (No.SRO A-33(b)/2017) - G.O.Ms.No.215 /13th July 2017]. ^[Substituted by Amt. No.15(a)(i) for the expression 'sales tax, & Substituted by Amt. No.15(a)(ii) for the expression 'the sales tax under the Tamil Nadu General Sales Tax Act, 1959 (Tamil Nadu Act 1 of 1959,' [TNGGE No.345, dated 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[50] *Added by Amt. No.(2) '(f) the evaluation and comparison shall include fifteen percent price preference for domestic small scale industrial units and ten percent price preference for the public sector undertakings of the Government in respect of products and quantities manufactured by them,' [TNGG No.44 / 21-11-2001 (No.SRO A-72(m-a)/2001) - G.O.Ms.No.452 / 16th November, 2001]. (w.e.f. 1-12-2001)*

[51] *Omitted by Amt. No.15(b) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[52] *Substituted by Amt. No.15(c) for the expression 'clauses (1) and (2) above,' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

[53] *Added by Amt. No.15(d), [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*

(b) By asking the two tenderers to provide their best and final offer of the financial bid in a sealed cover and the tenderer offering the most advantageous financial bid shall be adjudged the Lowest Tenderer.

(c) In case, a tie still persists after the procedure contained in clause (a) or (b) of this sub-rule has been followed, the selected tenderer shall be identified by draw of lots, which shall be conducted, with prior notice, in the presence of the tied tenderers or their representatives who choose to be present.]

[54][**29-A. Treatment of Speculative Tenders.-** (1) The Tender Accepting Authority may reject a tender, if it has determined that the financial bid in combination with other constituent elements of the tender is abnormally low or abnormally high in relation to the subject matter of the procurement and raises concerns with such authority as to the ability of the tenderer to perform the contract.

(2) Before arriving at a determination under sub-rule (1), the Tender Accepting Authority may in writing seek such other information from the tenderers as it considers relevant.

(3) The decision of the Tender Accepting Authority to reject a submission in accordance with this rule and the reasons for that decision, and all communications with the tenderer under this rule shall be included in the record of the Tender Proceedings.

(4) The decision of the Tender Accepting Authority and the reasons therefor shall be promptly communicated to the tenderer concerned.]

**30. Preparation of Evaluation Report and Award of Tenders.-** (1) The Tender Scrutiny Committee or the officer evaluating the tender shall prepare detailed evaluation report which shall be considered by the Tender Accepting Authority before taking a final decision on the tender.

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[54] *Added by Amt. No.(16) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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(2) The evaluation report shall be prepared in the standardized format as may be prescribed.

(3) As soon as the tenderer qualified to perform the contract is identified, in accordance with section 10(6) of the Act, the Tender Accepting Authority shall pass orders accepting the tender and communicate the order of acceptance to the successful tenderer. The Tender Accepting Authority will also send to the Tender Bulletin Officer a statement of evaluation of the tenders with a comparative statement of tenders received and decision thereon for publication in the Tender Bulletin.

(4) 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 prescribed format.

(5) In case the successful tenderer fails to execute necessary agreements as prescribed within the period specified, then his Earnest Money Deposit (EMD) shall be forfeited and his tender held as non-responsive.

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## [55][CHAPTER VI-A

## PURCHASE PREFERENCE

**30-A. Purchase preference to domestic enterprises.-** In case of procurement of goods or services, where it is possible for the procuring entity to divide the award of tenders to more than one supplier or service provider, the tender document shall clearly indicate that upto twenty five per cent of the total requirement in the procurement may be awarded to domestic enterprise, not being the lowest tender, in respect of only of goods manufactured or produced or services provided or rendered by them, if the following conditions are satisfied:

(a) the lowest tender is not a domestic enterprise;

(b) the preferential award shall extend only to the lowest tender among the domestic enterprises who are substantially responsive and technically qualified; and

(c) such domestic enterprise is willing to match the price of the lowest tender:

Provided that where the Tender Inviting Authority is of the view that in the interest of the participation of domestic enterprise in the tender to avail the above benefit, a less stringent set of technical qualification parameters are required, he shall specify a separate set of technical qualifications for domestic enterprises in the tender documents with the approval of the Government.

**30-B. Purchase preference to Government departments, Public Sector Undertakings, Statutory Boards and other similar institutions.-** In case of procurement of goods or services, where it is possible for the procuring entity to divide the award of tenders to more than one supplier or service provider, the tender document shall clearly indicate that upto forty per cent of the total requirement in the procurement may be awarded to Government departments, Public Sector Undertakings, Statutory Boards and other similar institutions as may be notified by the Government, in respect of only of goods manufactured or produced or services provided or rendered by them, if such tenderer is willing to match the price of the lowest tender.]

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[55] *Inserted by Amt. No.5, [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*



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## CHAPTER-VII.

## EVALUATION AND AWARD OF TENDERS IN SPECIAL CASES.

**31. Procurement in Special Cases.-** In the case of purchase of goods where the quantity offered at the lowest price is less than the total quantity required, the Tender Accepting Authority may, after placing orders with the lowest evaluated tenderer for the entire quantity offered by such tenderer subject to his ability to supply, adopt either or both of the following procedures to procure the balance quantity.-

(1) Negotiate with the next lowest tenderers in strict ascending order of evaluated price and require them to match the price offered by the lowest evaluated tenderer and place orders until the entire quantity required is ordered; or

(2) Require all the other eligible tenderers who participated in the tender and offered a price higher than that offered by the lowest evaluated tenderer, to submit sealed offers of the quantity they would be willing to supply at the price quoted by the lowest evaluated tenderer, and thereafter place orders for the remaining required quantity with all those who match the lowest evaluated price such that those who bid lower prices in the original tender get a higher priority for supply.

(3) In case the bidders other than the lowest evaluated bidder fail to agree to accept the lowest price or the total quantity offered by them at the price quoted by the tenderer with lowest evaluated price is less than the required quantity, the Tender Accepting Authority may place orders for remaining required quantity at different rates with different suppliers in the ascending order of evaluated price until the entire quantity required is covered:

Provided that, where different quantities have to be procured at more than one price from one or more tenderers, the Tender Accepting Authority may decide not to procure beyond a price considered economical although the entire quantity originally stated to be required in the tender documents is not ordered.

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(4) In cases where, the Tender Accepting Authority such as Tamil Nadu Electricity Board, Tamil Nadu Civil Supplies Corporation, Project Director, Integrated Child Development Scheme (ICDS) [56][and Tamil Nadu State Transport Corporations] is of the view that the commodity to be purchased is so vital in nature and the failure in supply would affect the public interest and that it is necessary to have more than one supplier, the Authority may place orders on the tenderer quoting the lowest evaluated price for not less than 60% of the quantity covered in the tender at the price quoted by him and place orders for the remaining quantity on the tenderers quoting the next lowest evaluated prices at the lowest evaluated price and shall specify this in the tender documents.

[57][Provided that the commodity to be purchased by the Tamil Nadu State Transport Corporations shall be restricted to bus chassis only].

[58][**31-A. Fixed Rate Contract.-** (1) In cases where the prices offered by the Lowest Tenderer are in the opinion of the Tender Accepting Authority higher than the schedule of rates or the prevailing market price and the quantity of goods or services to be procured are of such volume or are required to be delivered at different locations or at different points in time such that it is not practical for the entire supply to be effected by only one or a few suppliers, such authority may for reasons to be recorded in writing and after obtaining the prior approval of Government, follow the fixed rate contract procedure.

(2) The rates for the supply of the goods or services will be determined through a process which shall include the following steps:-:

(a) Open tenders shall be or shall have been called from all eligible tenderers and the rates quoted shall be taken into consideration;

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[56] *Inserted by Amendment [TNGGE No.183 / 23-03-2002 (No.SRO A-17(b)/2002) - G.O.Ms.No.107 / 23rd March, 2002].*

[57] *Added by Amendment [TNGG No.40 / 09-10-2007 (No.SRO A-52/2002) - G.O.Ms.No.286 / 13th August, 2002].*

[58] *Inserted by Amt. No.(17), [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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(b) The rates quoted by the eligible Lowest Tenderer in the open tender shall be compared with the prevailing market rate and the rates of the previous period and if the Tender Accepting Authority is of the view that the quoted rates are too high, the Authority may negotiate with the Lowest Tenderer to ascertain whether further reduction in rates is possible;

(c) If after negotiations, the Tender Accepting Authority is of the view that the rates are still too high with reference to rates of the previous period or prevailing market rates, the Tender Accepting Authority may after considering relevant factors, determine and notify an appropriate rate, as the fixed rate.

(d) All eligible suppliers who accept the fixed rate shall be enlisted by the Procuring Entity for delivery of services.

(e) Where the Procuring Entity deems fit, it may issue an advertisement indicating the rates fixed and call for enrollment of more suppliers at these rates subject to such suppliers fulfilling the eligibility criteria.

(f) Orders for supply of goods or services from the enlisted suppliers shall be placed on the basis of transparent criteria to be indicated in the tender documents or advertisement as the case may be, and shall *inter alia*, include the capacity to supply, past performance of the suppliers where applicable, and giving due priority to the supplier or suppliers who participated in the initial tender and offered the lowest rate.]

**32.** [59][**Pre-qualification Procedure in a single stage, two cover system**]**.-** (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;

(c) financial status and capacity

(2) Only the bids of pre-qualified bidders shall be considered for evaluation.

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[59] *Substituted by Amt. No.18 for the heading 'Prequalification procedures' [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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[60][**32-A. Pre-qualification with Multi-stage Tendering.**- (1) A Procuring Entity may invoke the multi-stage tendering process in cases where:

(a) The Procuring Entity assesses that discussions with tenderers are needed to refine aspects of the description of the subject matter of the procurement and to formulate them with precision in order to allow the Procuring Entity to obtain the most satisfactory solution to its procurement needs; or

(b) the successful tenderer is expected to carry out a detailed survey or investigation and undertake a comprehensive assessment of risks, costs and obligations associated with the particular procurement; and

(c) in any other case for reasons to be recorded in writing.

(2) Where the Procuring Entity invokes the multi-stage tendering process, the Tender Inviting Authority shall call for initial submissions containing their applications or proposals without a financial bid, containing the following items, namely:-

(a) proposals relating to the technical, quality or performance characteristics of the subject matter of the procurement;

(b) contractual terms and conditions of supply:

(c) where relevant, the professional and technical competence, experience and qualifications of the tenderers.

(3) The Tender Accepting Authority may, in the first stage, engage in discussions with eligible tenderers concerning any aspect of their initial proposals:

Provided that when the Tender Accepting Authority engages in discussions with any tenderer, it shall extend equal opportunity to all eligible tenderers to participate in discussions.

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[60] *Inserted by Amt. No.(19) [TNGGE No.345 / 11-12-2012 (No.SRO.A-36(a)/2012) - G.O.Ms.No.425 / 11th December, 2012].*



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(4) At the conclusion of the first stage, the Tender Accepting Authority shall pre-qualify the tenderers that fulfill the eligibility criteria, and promptly notify each tenderer whether or not it has been pre-qualified and shall upon request communicate to the tenderers that have not been pre-qualified the reasons therefor:

Provided that if the Tender Accepting Authority is of the view that the number of pre-qualified Tenderers is too small to have an effective competition, the authority may decide not to proceed further with the Tender.

(5) In the second stage, the Tender Accepting Authority shall invite financial tenders from the pre-qualified and short-listed tenderers.

(6) The final tenders received under sub-rule (5) shall be evaluated in order to ascertain the lowest evaluated tenderer in accordance with these rules.]

**33. Low Value Procurement.-** [61][For the purposes of clause (d) of section 16 of the Act, 'Low Value Procurement' means any procurement, which is less than **rupees twenty five lakhs in value for construction**, which is less than **rupees twenty lakhs in value for vehicles** and which is less than **rupees ten lakhs in value for all other categories of procurement** inclusive of consultancies for construction.]

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[61] *Substituted by Amt. No.2 for Rule 33 "For the purposes of clause (d) of section 16 of the Act, 'Low Value Procurement' means any procurement, which is less than rupees [#][twenty five lakhs] in value for construction and which is less than rupees ten lakhs in value for all other categories of procurement inclusive of consultancies for construction" [TNGGE No.296, dated 19-09-2017 (No.SRO A-41(b-1)/2017) – G.O.Ms.No.270 / 19-09-2017]. [#][The expression "two lakhs in value" was substituted by Amt. No.(3) the expression "five lakh in value", [TNGG No.44 / 21-11-2001 (No.SRO A-72(m-a)/2001) - G.O.Ms.No.452 / 16th November, 2001]. (w.e.f. 1-12-2001)]. Subsequently, the expression 'five lakh in value' was substituted by amendment for the expression 'twenty five lakh in value for construction and which is less than rupees ten lakhs in value for all other categories of procurement inclusive of consultancies for construction' [TNGGE No.212 / 18-08-2009 (No.SRO A-22(a)/2009) - G.O.Ms.No.392 / 18th August, 2009].*



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## [62][THE ANNEXURE

*[See rule 11 (2)]*

**1.** Financial limits for advertising Tender Notices in newspapers are as follows:

| Details of Newspaper | | | Value of Procurement | |
|---|---|---|---|---|
| **Area** | **English** | **Tamil** | **Goods/ Services** | **Works** |
| **[1]** | **[2]** | **[3]** | **[4]** | **[5]** |
| **District** | **Nil** | **1** (District edition) | Above Rs.10 lakh and upto Rs.25 lakh | Above Rs.25 lakh and upto Rs.50 lakh. |
| **State** | **1** (All editions in the State) | **1** (All editions in the State) | Above Rs.25 lakh and upto Rs.3 crore. | Above Rs.50 lakh and upto Rs.3 crore. |
| **South India** | **1** (South India edition) | **1** (All editions in the State) | Above Rs.3 crore and upto Rs.5 crore. | Above Rs.3 crore and upto Rs.5 crore. |
| **All India** | **1** (All India edition) | **1** (All editions in the State) | Above Rs.5 crore and upto Rs.75 crore. | Above Rs.5 crore and upto Rs.75 crore. |
| | **1** (All India edition and Indian Trade Journal) | **1** (All editions in the State and Indian Trade Journal) | Above Rs.75 crore. | Above Rs.75 crore. |

**2.** Conditions for publication of tender advertisements:-

(a) When more than one tender is bunched in a tender notice, the highest value among the individual tenders should be considered to determine the applicable norms. The sum total of values of all individual tenders cannot be considered; and

(b) In the case of international competitive biddings, it would be open for the tender inviting authority to give additional advertisements in more number of newspapers or magazines.]

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[62] *Inserted by Amt. No.6, [TNGGE No.225, dated 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26-06-2018].*



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# TAMIL NADU TRANSPARENCY IN TENDERS (PUBLIC PRIVATE PARTNERSHIP PROCUREMENT) RULES, 2012.

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# TAMIL NADU TRANSPARENCY IN TENDERS (PUBLIC PRIVATE PARTNERSHIP PROCUREMENT) RULES, 2012.

[Published in TNGGE No.328, 26th November 2012 - Part-III – Section 1(a) of (No.SRO.A-35 (a) / 2012 - G.O.Ms.No.409 / 26th November, 2012].

*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 rules, namely.-*

## CHAPTER-I.

## PRELIMINARY.

**1. Short title, commencement and extent.-** (1) These rules shall be called the Tamil Nadu Transparency in Tenders (Public Private Partnership Procurement) Rules, 2012.

(2) These rules shall come into force on the 26th day of November, 2012.

(3) These rules will apply to all procurement for Public Private Partnership (PPP) Projects of a value of more than rupees twenty five lakhs by any Procuring Entity.

**2. Definitions.-** In these rules, unless there is anything repugnant in the subject or context.-

(a) '**Act**' means the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998);

(b) '**Applicant**' means an entity which has submitted or is likely to submit a response to the Request for Expression of Interest (REOI) or Request for Qualification (RFQ), as the case may be;

(c) '**Application**' means the submission made in response to a Request for Qualification (RFQ);

(d) '**Appointed Date**' means the date on which the Concession Agreement comes into force and effect in accordance with the terms outlined therein;

(e) '**Concessionaire**' means the private sector participant which has entered into a Public-Private Partnership;

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(f) '**Concession Agreement**' means an agreement entered into between a Procuring Entity and a private sector participant for and in respect of a Public-Private Partnership;

(g) '**Conditions Precedent**' means the obligations which the Procuring Entity or the Concessionaire or both may be required to fulfill prior to the financial closure of the Public Private Partnership (PPP) Project, unless waived in writing by the relevant party in accordance with the terms of the Concession Agreement;

(h) '**Consortium**' means a tenderer comprising of two or more entities for the purpose of responding to a Tender Document, such that if the consortium includes a public sector entity or entities, such public sector entity or entities do not have a controlling stake in the consortium;

(i) '**Contingent Liability**' means a liability accruing to a Procuring Entity through the Concession Agreement or Public Private Partnership (PPP) Project on the occurrence or non-occurrence of an uncertain future event;

(j) '**Due Date**' means the date on which a tender submission is due in response to a Request for Expression of Interest (REOI) or a Request for Qualifications (RFQ) or a Request for Technical Proposals (RTP) or a Request for Proposals (RFP);

(k) '**Expression of Interest (EOI)**' means the submission made in response to a Request for Expression of Interest (REOI);

(l) '**Final Offer**' means the commercial offer made by a tenderer on the basis of the single criterion specified in the Request for Proposal (RFP);

(m) '**Feasibility Study**' means a preliminary study made for investment decision-making, to assess the technical, social, economic and financial viability and the social and environmental impact of a Project including the demand for the services, appropriate technology to be adopted, capital cost, time required for implementation, and such other information as may be prescribed;

(n) '**Independent Auditor**' means an auditor appointed under rule 45;

(o) '**Independent Engineer**' means an Engineer appointed under rule 46;

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(p) '**Lead Member of Consortium**' means a member of a consortium who has been designated as the lead member by the Consortium and shall possess such qualifications as may be prescribed in the tender documents;

(q) '**Letter of Award (LOA)**' means the Letter of Award issued by the Procuring Entity to the Lowest Tenderer in accordance with rule 56;

(r) '**Minimum Technical Requirements (MTR)**' means the minimum technical requirements as described in rule 37;

(s) '**Notice Inviting Tenders**' means for the purposes of these rules, the Notice of Request for Qualification (RFQ) in all cases where rules 4, 5 and 6 apply and to the Notice of Request for Proposal (RFP) in cases where sub-rule (2) of rule 3 is invoked.

(t) '**Performance Security**' means a financial guarantee in the appropriate form including a security deposit or bank guarantee or both furnished by the Concessionaire to the Procuring Entity for the performance of its obligations under the Concession Agreement;

(u) '**Public Private Partnership (PPP)**' means an arrangement between a public agency and a private sector participant for the provision of infrastructure through investment made or through design, development, construction, maintenance or operation undertaken by the private sector participant, where risks are allocated between them such that the private sector participant takes on the risk beyond the stage of design and construction and the payment for the services are performance linked, in the form of user charges, annuities or unitary payments;

(v) '**Project Value**' means:- (i) in case of Public Private Partnership (PPP) Projects where the private entity is expected to make capital investments, the value of the asset or facility to be constructed including the cost of land, if the cost of land is to be borne by the private entity; or

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(ii) in case of Public Private Partnership (PPP) Projects where the private entity is not expected to make substantial capital investments, the current replacement value of the asset or facility, whose operation and maintenance is proposed to be the responsibility of private entity;

(w) '**Public Sector Comparator**' means the estimated hypothetical risk-adjusted life cycle cost of a project if it were to be financed, owned and implemented solely by the government or its agency;

(x) '**Qualified Applicant**' means an Applicant that has been qualified in the Request for Qualification (RFQ) stage;

(y) '**Request for Expression of Interest (REOI)**' means the Tender Document prepared and issued in accordance with Chapter-III;

(z) '**Request for Proposal (RFP)**' means the Tender Document prepared and issued in accordance with Chapter-VI;

(aa) "**Request for Qualification (RFQ)**" means the Tender Document prepared and issued in accordance with Chapter-IV;

(ab) '**Request for Technical Proposal (RTP)**' means the Tender Document prepared and issued in accordance with Chapter-V;

(ac) '**Response**' means any submission required to be made to the Tender Inviting Authority as per the Tender Documents;

(ad) '**Respondent**' means any entity or consortium that has submitted or is likely to submit a Response to the Tender Documents;

(ae) '**Total Project Cost**' means the lowest of the total project cost mentioned in the tender documents or actual capital cost of the project upon completion of the Project as certified by the Independent Engineer; or total project cost as set forth in the financing documents;

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(af) '**Value for Money Assessment**' means the quantitative and qualitative assessment of the costs and benefits associated with a project. Value for Money Assessment is used to establish whether implementing a project in the Public Private Partnership (PPP) mode is an economically optimal proposition for the Government or the public agency and it takes into account direct and indirect project execution costs, financing costs, transaction costs, cost of asset transfer on project completion, project monitoring costs and a cost estimation of the possible risks thereof;

(ag) '**Variation**' means changes which occur during the course of project development and delivery and shall be classified into the following forms:

(i) Day-to-day operational variations;

(ii) Known-variations that are likely to arise and whose nature is known, but time of occurrence and impact are unknown;

(ah) '**Viability Gap Funding**' means a capital grant or subsidy or equity from the Central or State Governments to render a Public Private Partnership (PPP) project financially viable and bankable.

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## CHAPTER-II.

## PUBLIC PRIVATE PARTNERSHIP (PPP) - PROJECT PROCUREMENT PLANNING.

**3. Identifying the procurement method for Public Private Partnership (PPP) Project.-** (1) Save as provided for under these rules, a two-stage, open competitive tendering under rule 4 shall be the mode of procurement for a Public Private Partnership (PPP) Project.

(2) For Public Private Partnership (PPP) Projects with a value less than Rs.10 crore (Rupees Ten Crore), a single stage, two cover, open and competitive tendering may be adopted where the qualification information and technical proposal are received in one cover and the final offer is received in a separate cover.

(3) Under certain circumstances specified under these rules, the Procuring Entity may in addition to the two stages prescribed in sub-rule (1) issue a Request for Expression of Interest (REOI) or a Request for Technical Proposal (RTP) or both prior to the Request for Proposal (RFP).

(4) The Final Offer shall be in the form of a single objective criterion which shall be specified in the Request for Proposal (RFP).

**4. Two Stage Open Competitive Tendering.-** The two stage open competitive tendering shall include the following stages.-

(a) Request for Qualification (RFQ) stage for short-listing Qualified Applicants, in accordance with Chapter-IV: and

(b) Request for Proposal (RFP) stage for selection of the most Lowest Tenderer, in accordance with Chapter-VI.

**5. Open Competitive Tendering with Request for Technical Proposal (RTP).-** (1) Subject to the provisions of rule 4, in case of exceptionally complex Public Private Partnership (PPP) Projects, where the Procuring Entity seeks to assure itself that the Qualified Applicants completely understand its requirements, the Tender Inviting Authority may require that the Qualified Applicants to submit Technical Proposals prior to the Request for Proposal (RFP) stage.

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(2) The Request for Technical Proposal stage shall be conducted as per the provisions of Chapter-V.

(3) In cases not covered under sub-rule (1), the Request for Technical Proposal (RTP) and Request for Proposal (RFP) stages shall be combined as per the provisions of rule 41.

**6. Open Competitive Tendering with Request for Expressions of Interest (REOI).-** In Projects where the Procuring Entity is unsure of the likely interest from private entities in the Project, or where it seeks to explore alternatives on how best to design the project scope or other parameters of the Project, the Procuring Entity may adopt multi-stage open competitive tendering involving a Request for Expressions of Interest, followed by a two or three-stage processes as per rule 4 or rule 5, as the case may be.

**7. Formation of Tender Scrutiny and Evaluation Committee.-** (1) For each stage of procurement under these rules, the Procuring Entity shall form a Tender Scrutiny and Evaluation Committee to evaluate the Responses received as part of the Tender Proceedings:

Provided that the same committee may be retained for all stages of the procurement.

(2) The membership of the Tender Scrutiny and Evaluation Committee shall consist of:

(a) The head of the Procuring Entity or his nominee, who shall serve as the Chairman of the Committee;

(b) Secretary to Government of the Administrative Department concerned or his nominee;

(c) Secretary to Government, Law Department or his nominee when considered essential;

(d) Secretary to Government, Finance Department or his nominee;

(e) Representative of the Tamil Nadu Infrastructure Development Board (TNIDB) for projects covered under the Act:

Provided that the same person may represent both Finance Department and the Tamil Nadu Infrastructure Development Board (TNIDB).

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(f) Such other experts or persons not exceeding three in number with relevant experience that the Procuring Entity or the Government by general or specific order may include.

(3) The Tender Scrutiny and Evaluation Committee shall perform the following functions:-

(a) Scrutinize and approve the tender documents prior to their issue and recommend any changes;

(b) Supervise the conduct of pre-submission meetings and conferences with prospective tenderers;

(c) Supervise the opening of tenders;

(d) Carry out the preliminary examination and detailed evaluation of the tenders received; and

(e) Prepare an evaluation report for the consideration of the Tender Accepting Authority.

**8. Engaging Consultants or Advisors.-** Where the Procuring Entity deems fit, it may engage the services of a consultant or advisor to assist the Tender Inviting Authority, the Tender Scrutiny and Evaluation Committee and the Tender Accepting Authority with the entire tender process or any stage thereof including the preparation of tender documents and the evaluation of tenders.

**9. Information to be published in the State Tender Bulletin.-** All Notices Inviting Tenders and decisions on tenders in respect of Public Private Partnership (PPP) projects shall be published in the State Tender Bulletin.

**10. Details to be mentioned in Notice Inviting Tenders.-** The Notice Inviting Tenders shall contain the following details, namely.-

(a) The name, address and other contact details of the Procuring Entity and the designation and address of the Tender Inviting Authority;



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(b) Name of the project for which the procurement is to be effected;

(c) The date upto which and places including websites from where the tender documents can be obtained;

(d) The amount of Earnest Money Deposit (EMD), if any payable;

(e) The last date, time and place for receipt of tenders;

(f) The date, time and place for opening of tenders received; and

(g) Any other information the Tender Inviting Authority considers relevant.

**11. Publication of Notice Inviting Tenders in Newspapers.-** (1) The Tender Inviting Authority shall have the Notice Inviting Tenders published in the Indian Trade Journal in all cases where the project value exceeds rupees fifty crores.

(2) The competent authority to release the advertisement shall be the Director of Information and Public Relations, Chennai.

(3) The number, editions and language of the newspapers in which the Notice Inviting Tenders shall be published will be based on the value of procurement and adequate publication will be ensured in the Districts where the projects are to be implemented.

(4) For tenders for a project value above rupees fifty lakhs, the Director of Information and Public Relations, Chennai will publish the Notice Inviting Tenders as per instructions of the Procuring Entity and publication of Notice Inviting Tenders for an additional insertion shall not be made in newspapers not requested by the Procuring Entity for tenders above rupees fifty lakhs.

(5) Notwithstanding anything contained in sub-rule (4) for projects of a value exceeding rupees two hundred crores, the Notice Inviting Tenders shall be published, once every week for three consecutive weeks, in atleast two national level newspapers out of which, one will be a financial or business newspaper; and in one local newspaper, which is circulated in the district or city in which the project is to be implemented.

**12. Publication in Notice Board, Website and sending Notice Inviting Tenders to all possible tenderers.-** (1) The Notice Inviting Tenders shall be published on the Notice Board of the offices of the concerned Public Agency, District Collectorate and other Public Offices.



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(2) The Notice Inviting Tenders shall be published on the website of the Procuring Entities, the Government of Tamil Nadu website and any other website as may be indicated by the Government.

(3) The Tender Inviting Authority may, if considers necessary, send the Notice Inviting Tenders to all possible tenderers including registered contractors, potential suppliers and any other well known company or firm directly.

**13. Supply of Tender Documents.-** (1) The Tender Inviting Authority shall make available the tender documents from the date of publication of the Notice Inviting Tenders.

(2) The tender documents shall be made available for downloading from the website designated for this purpose by the Government and from such other websites as may be indicated by the Tender Inviting Authority on payment of such fees and in such manner as may be determined.

(3) The tender documents shall also be made available on payment of such fees as may be determined, including a service fee to cover the cost of printing at:-

(a) the office of the Tender Inviting Authority;

(b) any other office or place indicated by the Procuring Entity.

(4) The Tender Inviting Authority shall send by registered post or courier the tender documents to any prospective tenderer who makes a request for the documents on payment of fees along with postal charges at the risk and responsibility of the prospective tenderer.

**14. Security.-** [1][(1) The tenderers shall be required to provide an Earnest Money Deposit (EMD) ordinarily not exceeding two percent of the estimated total project cost, which shall be made by means of electronic mode of payment or in the form of a demand draft or banker's cheque or specified small saving instrument or where the Procuring Entity deems fit, unconditional, irrevocable bank guarantee:]

[1] *Substituted by Amt. No.1 for sub-rule '(1) The tenderers shall be required to provide an Earnest Money Deposit (EMD) ordinarily not exceeding two percent of the estimated total project cost, which shall be in the form of a demand draft, banker's cheque, specified small saving instrument or where the Procuring Entity deems fit, unconditional, irrevocable bank guarantee' [TNGGE No.296, dated 19-09-2017* (No. SRO A-41(b-2)/2017) - *G.O.Ms.No.271 / 19-09-2017].*



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Provided that in case of operation and maintenance contracts, the Earnest Money Deposit (EMD) may be determined at a level not less than ten percent of the likely annual payments or two percent of the project value, whichever is less.

(2) The Earnest Money Deposit (EMD) shall be forfeited if the tenderer.-

(a) withdraws his tender after submission but before opening of the tender, or

(b) following the opening of tender, withdraws its tender before expiration of the period of effectiveness of the tender; or

(c) fails to furnish the required Performance Security at the stage, the tenderer is required to do so as per the tender documents.

(3) The Earnest Money Deposit (EMD) shall remain valid for a period of not less than 30 (thirty) days beyond the period for validity of the tender specified in the tender documents in order to provide the Procuring Entity sufficient time to act if the security is to be called:

Provided that the Procuring Entity may seek extension of the period of validity of the tenders and of the Earnest Money Deposit (EMD).

(4) The Earnest Money Deposit (EMD) of tenderers who have not been selected will be released not later than 60 (sixty) days after the expiration of the tender validity period, including any extension thereof, or 60 (sixty) days after the issue of the letter of award, whichever is earlier.

(5) The Earnest Money Deposit (EMD) of the Lowest Tenderer shall be discharged when that tenderer furnishes the required Performance Security.

(6) The Concessionaire shall be required as a condition precedent to provide Performance Security, ordinarily not exceeding 5% (five percent) of the Project Value and subject to any increase or decrease in the Project Value that may occur during contract performance:

Provided that in case of Operation and Maintenance contracts, the Performance Security may be determined at a level not more than 50% (fifty percent) of the likely annual payments due.

[2][(7) The Performance Security shall be made by means of electronic mode of payment or in the form of a demand draft or banker's cheque or specified small saving instrument or unconditional and irrevocable bank guarantee or where the Procuring Entity deems fit, in form of an escrow account or a combination of the different forms.]

**15. Conflict of Interest.-** (1) It shall be the responsibility of Tender Inviting Authority and Tender Accepting Authority to ensure that the prospective tenderers do not have a conflict of interest that affects the Tender Proceedings.

(2) An Applicant or prospective tenderer shall be deemed to have a Conflict of Interest, if,-

(a) any other prospective tenderer or a member of consortium or any associate or constituent thereof have common controlling shareholders or other ownership interest; or

(b) a constituent of such prospective tenderer is also a constituent of another prospective tenderer.

Provided that 'constituent' in such cases will not include the provider of a proprietary technology to more than one applicant; or

(c) such prospective tenderer, or any associate thereof receives or has received any direct or indirect subsidy, grant, concessional loan or subordinated debt from any other Applicant or Respondent, or any associate thereof has provided any such subsidy, grant, concessional loan or subordinated debt to any other Applicant or Respondent, its member or any associate thereof; or

(d) such prospective tenderer has the same legal representative for purposes of the Tender Proceedings as any other prospective tenderer; or-

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[2] *Substituted by Amt. No.2 for sub-rule '(7) The Performance Security shall be in the form of a demand draft, banker's cheque, specified small saving instrument, unconditional and irrevocable bank guarantee or where the Procuring Entity deems fit, in form of an escrow account or a combination of the different forms' [TNGGE No.296, dated 19-09-2017* (No. SRO A-41(b-2)/2017) - *G.O.Ms.No.271 / 19-09-2017].*



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(e) such prospective tenderer, its member or any associate thereof, has a relationship with another prospective tenderer, or any associate thereof, directly or through common third party/ parties, that puts either or both of them in a position to have access to each other's information about, or to influence the Response of either or each other; or

(f) such prospective tenderer, its member or any associate thereof, has participated as a consultant to the Tender Inviting Authority and Tender Accepting Authority in the preparation of any documents, design or technical specifications of the Public Private Partnership (PPP) Project; or

(g) if any legal, financial or technical advisor of the Tender Inviting Authority and Tender Accepting Authority in relation to the Project is engaged by the prospective tenderer, its member or any associate thereof, as the case may be, in any manner for matters related to or incidental to the Project:

Provided that this clause shall not apply where such advisor was engaged by the Applicant or Respondent, its member or associate in the past but such engagement expired or was terminated 6 (six) months prior to the date of issue of concerned Tender Document or where such advisor is engaged after a period of 3 (three) years from the date of commercial operation of the Project.

**16. Clarifications on Tender Documents.-** (1) The Procuring Entity shall permit Respondents to seek clarifications on the Tender Documents and shall specify a last date for the submission of such clarifications in the Tender Documents:

Provided that the clarifications may be sought from the Tender Inviting Authority only in writing.

(2) The Tender Inviting Authorities shall specify in the Tender Documents the e-mail address, postal address and fax number to which the clarifications may be sent.



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(3) The Tender Inviting Authority shall respond to any queries or requests for clarification received from a Respondent within the time as mentioned in sub-rule (1) that Respondent can make his response in a timely fashion.

(4) The Tender Inviting Authority shall, without disclosing the name of the Respondent seeking the clarification, communicate the clarification to all Respondents to whom it has provided the Tender Documents and shall also ensure that the clarifications are uploaded on the appropriate website.

**17. Pre-submission Meeting**.- (1) After issue of the Request for Qualification (RFQ) or Request for Technical Proposal (RTP) or Request for Proposal (RFP), as the case may be, the Tender Inviting Authority may, at its discretion, organize one or more pre-submission meetings for the purpose of clarifying the queries and understanding the concerns of the Respondents.

(2) The Tender Inviting Authority shall consider comments and suggestions provided by the Respondents in the pre-submission meetings and, if required, revise the Tender Documents.

(3) The pre-submission meetings shall not be a substitute for any other manner of communication of queries by the Respondents.

(4) The Tender Inviting Authority shall maintain minutes and the list of attendees of the pre-submission meetings and circulate them to all attendees.

**18. Modification of Tender Documents and Responses.-** (1) Subject to specific provisions contained in these rules, at any time prior to the due date, the Procuring Entity may, whether on its own initiative or as a result of a query, suggestion or comment of an Applicant or a Respondent, modify the Tender Documents by issuing an addendum or a corrigendum.

(2) Any such addendum or corrigendum shall be communicated and will be binding on all Applicants or Respondents or Tenderers, as the case may be.

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**19. Manner, Place and Due Date for Submission of Responses.-** (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:

Provided that such of the tenders that are received through electronic mail shall be kept electronically locked.

(2) The Tender Inviting Authority shall take all measures to ensure that no intending tenderer is hindered in submitting his tender.

(3) The Tender Inviting Authority shall permit the submission of tenders by post or courier or by electronic submission through the designated website, wherever applicable:

Provided that the Tender Inviting Authority shall not be responsible for any delay in transit in such cases.

(4) In the case of tenders not submitted electronically, the tenderer shall ensure that all the pages are serially numbered and the submitted tender documents are properly stitched and bound.

(5) The tenderer shall be responsible for properly superscribing and sealing the cover in which the tender is submitted and the Tender Inviting Authority shall not be responsible for accidental opening of covers that are not properly superscripted and sealed as required in the tender documents before the time appointed for opening of tenders.

(6) The Tender Inviting Authority shall not accept any tenders submitted by facsimile (fax).

(7) The Tender Inviting Authority may extend the last date and time for receiving tenders which shall be published on the designated website also after giving adequate notice to all intending tenderers in cases 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 sub-rule (1) of rule 18 took time;

(c) any of the tenderers requested clarifications the communication of which to all the tenderers took time; and

(d) any other reasonable grounds, for such extension exist, which shall be recorded in writing by the Tender Inviting Authority.

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**20. Withdrawal of Tenders Before Opening.-** (1) No tenderer shall be allowed to withdraw the tenders after submitting the tender.

(2) A Tenderer may submit a modified tender before the last date for receipt of tender:

Provided that where more than one tender is submitted by the same tenderer, the lowest eligible financial tender shall be considered for evaluation.

**21. Opening of Tenders.-** (1) All the tenders received by the Tender Inviting Authority shall be opened at the time and the venue specified in the Notice Inviting Tenders and in cases where an extension of time for the submission of tenders has been given subsequent to the original Notice Inviting Tenders in accordance with sub-rule (7) of rule 19 at the time, so specified subsequently:

Provided that the e-tenders submitted may be permitted to be opened by a Tender Inviting Authority or a member of the Tender Scrutiny and Evaluation Committee from their new location, if they are transferred after the issue of Notice Inviting Tender and before opening of tenders and where the new incumbent is yet to obtain his digital signature certified.

(2) The time specified for the opening of tenders shall be immediately after the closing time specified for the receipt of tenders allowing a reasonable period, not exceeding one hour, for the transportation of the tenders received to the place they are to be opened.

(3) The tenders will be opened in the presence of the tenderers or their representative who choose to be present:

Provided that the Tender Inviting Authority may specify the number of representatives for each tenderer who may be permitted to be present.

**22. Procedure to be followed at Opening of Tenders.-** The following procedure shall be followed at the opening of tenders.-

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

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(b) All the tenders received in time shall be opened;

(c) Any tender received subsequent to the time specified for receipt of tenders 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 tenderer concerned;

(d) On opening of the tender, the members of the Tender Scrutiny and Evaluation Committee shall initial the main tender including the prices and any corrections;

(e) A record of the corrections noticed at the time of the opening of tenders shall be maintained;

(f) The name of the tenderers and the quoted prices should be read out aloud;

(g) The fact whether Earnest Money Deposit (EMD) has been submitted and the other required documents have been produced may be indicated, but this shall not constitute an initial examination under rule 24;

(h) Minutes of the opening of tenders shall be recorded;

(i) The signatures of all the tenderers present shall be obtained and if any of the tenderers or his representative refuses to sign that fact shall be recorded.

**23. Changes and alterations not to be permitted after Opening of Tenders.-** No changes or amendments which materially alter the final submissions shall be permitted after the opening of tenders, except as laid down in sub-section (3) of section 10 of the Act and prescribed in rule 24.

**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 by the Tender Scrutiny and Evaluation Committee in order to determine their substantial responsiveness.

(2) The initial examination shall consider the following factors, namely:-

(a) Whether the tenderer meets the eligibility criteria laid down in the tender documents;

(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.

(c) Whether the requisite Earnest Money Deposit (EMD) with appropriate validity has been furnished;

(d) Whether the tender is substantially responsive to the technical specifications and commercial conditions set out in the tender documents.

(3) Tenders which on initial examination are found not to be substantially responsive under any of the clauses under sub-rule (2) shall be rejected by the Tender Accepting Authority and not taken up for further scrutiny.

**25. Clarifications on qualification information.-** The Procuring Entity may, at any stage of the Tender Proceedings, ask any Applicant or Respondent for clarifications on its submission, in order to assist in the evaluation of such submission:

Provided that the Procuring Entity shall.-

(a) not seek or permit any substantive change to the submission, including changes aimed at qualifying an Applicant or a Respondent.

(b) not engage in negotiations with an Applicant or a Respondent with respect to the submission, pursuant to a clarification that is sought under this rule; and

(c) maintain in the record of Tender Proceedings, all communications generated under this rule.

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**26. Confidentiality.-** (1) Subject to the provisions of sections 13 and 14 of the Act, the Tender Inviting Authority shall ensure the confidentiality of the process of tender evaluation until orders on the tenders are passed.

(2) The Tender Inviting Authority shall treat all information submitted as part of a Response, in confidence and will require all those who have access to such material to treat the same in confidence and shall not disclose any such information unless.-

(a) directed to do so by any statutory entity that has the power under law to require such disclosure; or

(b) such disclosure is to enforce or assert any right or privilege of the statutory entity or the Procuring Entity; or

(c) required to do so by law or in connection with any legal process.

**27. Record of Tender Proceedings.-** (1) The Procuring Entity shall cause to be maintained a record of the Tender Proceedings.

(2) Such record shall, *inter-alia*, contain the following; namely:-

(a) Subject matter of the procurement process;

(b) Basic information, including names and addresses of the authorized representatives of Respondents;

(c) The submissions made by the Respondents at each stage of the process;

(d) The report or reports of the Tender Scrutiny and Evaluation Committee;

(e) Statement of the reasons and circumstances relied upon by the Tender Inviting Authority and Tender Accepting Authority for decisions as part of the procurement process;

(f) The requests for clarification and the responses thereof;

(g) Statement of reasons for rejection of tender;

(h) Principal terms of the Concession Agreement; and

(i) The deviations, if any from the model tender documents where applicable.

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## CHAPTER-III.

## REQUEST FOR EXPRESSION OF INTEREST.

**28. Request for Expression of Interest (REOI).-** (1) In cases where the Procuring Entity decides to proceed under rule 6, the Tender Inviting Authority shall prepare the Request for Expression of Interest (REOI).

(2) The Request for Expression of Interest (REOI) shall, *inter-alia*, contain,-

(a) the description of the Project;

(b) the request for expressions of interest;

(c) a closing date for seeking clarifications.

(3) The Request for Expression of Interest (REOI) shall be published in accordance with the provisions of rules 9, 10, 11 and 12.

(4) The Expression of Interest (EOI) shall not be used to either shortlist or disqualify tenderers and any entity which has not submitted an Expression of Interest (EOI) shall also be allowed to participate in the Request for Qualification (RFQ) stage as per terms and conditions that may be specified thereof.

(5) The Tender Inviting Authority may convene meetings to interact with Applicants, so as to facilitate greater interest and understanding of the proposed Project among potential private partners.

(6) The Tender Inviting Authority shall provide for the following minimum time periods in the schedule of the Request for Expression of Interest (REOI) stage:

(a) The due date shall ordinarily be not less than 30 (thirty) days from the date of advertisement or notification of the Request for Expression of Interest (REOI) whichever is later;

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(b) Pre-submission meetings convened under sub-rule (5) shall be held at least 7 (seven) days before the due date;

(c) The clarifications on the queries of Applicants shall be issued not less than 4 (four) days before the due date; and

(d) Corrigenda or notifications of amendments in the Request for Expression of Interest (REOI) shall be issued not less than 4 (four) days before the due date.

(7) In exceptional cases, the Tender Inviting Authority may at the time of issuing Request for Expression of Interest (REOI) reduce the minimum time limits prescribed in sub-rule (6) for reasons to be recorded in writing and with the prior permission of the authority superior to the Tender Inviting Authority:

Provided that in no case shall the due date be advanced after the publication of the notification or advertisement of the Request for Expression of Interest (REOI):

Provided further that in cases where the tender documents require the clearance of the Tamil Nadu Infrastructure Development Board under the Tamil Nadu Infrastructure Development Act (Tamil Nadu Act 22 of 2012), such reduction of time would have to be specifically authorized by the Board.

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## CHAPTER-IV.

## REQUEST FOR QUALIFICATION.

**29. Request for Qualification (RFQ).-** (1) The Request for Qualification (RFQ) called for under rule 4 is intended for the following purposes, namely.-

(a) publicise the information on the Public Private Partnership (PPP) Project and the services or infrastructure or both that the Procuring Entity seeks to obtain;

(b) communicate the proposed timeframes and the qualification criteria;

(c) ascertain the level of interest in the Project;

(d) provide an avenue through which prospective tenderers can comment on the proposed Project; and

(e) allow the Procuring Entity to qualify Applicants who are most capable of meeting project objectives over the project term for the Request for Technical Proposal (RTP) stage or Request for Proposal (RFP) stage or both.

(2) The Tender Inviting Authority preparing the Request for Qualification (RFQ) shall ensure that,-

(a) the Request for Qualification (RFQ) contains sufficient information to allow potential tenderers to form a view on whether they have sufficient capabilities and to identify potential partners for the Project; and

(b) the information requested from the Applicants is such that the Procuring Entity is enabled to qualify the Applicants on that basis.

**30. Contents of Request for Qualification (RFQ).-** The Request for Qualification (RFQ) document shall contain the following:

(a) a description of the Project and the estimated Total Project Cost;

(b) a description of the stages of the tender process and the proposed schedule of the Tender Proceedings;



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(c) the conditions of eligibility of Applicants, the information sought from Applicants for qualification and the form and procedure of the Application;

(d) a description of the parameters and method of evaluating qualification of Applicants in order to identify Qualified Applicants that have the requisite capability to take up the Project; and

(e) the criteria or conditions, if any, for the disqualification of Applicants, such as, Conflicts of Interest and other relevant considerations.

**31. Eligibility of Applicants.-** In addition to any other criteria for eligibility that may be prescribed in the Request for Qualification (RFQ) tender documents, in all cases, the following shall apply, whether or not they have been specifically provided for in the documents: -

(a) the Applicant may be a single entity or a consortium. However, no Applicant applying individually or as a member of a consortium, as the case may be, can be member of another Applicant;

(b) an Applicant may be a natural person, or a private entity, or a combination thereof, or a combination with a public agency:

Provided that the public agency does not have a controlling interest in such combination, either with an existing agreement or the formal intent to enter into an agreement to form a consortium;

(c) no Applicant shall submit more than one application for the same Project and an Applicant applying individually or as a member of a consortium shall not be entitled to submit another application either individually or as a member of any consortium, as the case may be.

**32. Qualifying Criteria.-** (1) The qualifying criteria used by the Procuring Entity to evaluate the responses to the Request for Qualification (RFQ) shall be objective, equitable, unambiguous, and shall be clearly stated in the Request for Qualification (RFQ).

(2) The qualifying criteria shall cover the following aspects of the Applicant:

(a) the Applicant's experience and track record in delivering projects of similar nature;



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(b) the Applicant's ability to deliver against the physical aspects of the Project including its ability and track record in delivering services under long-term contractual arrangements.

(c) the capability of the Applicant to invest the capital that would be needed for the Project:

(d) the ability of the Applicants to secure adequate funds on competitive terms, since Projects normally requires the Concessionaire to finance a substantial part of the Total Project Cost, if not the whole;

(e) the ability of the Applicant to support the contractual arrangements over the contract term.

(3) Criteria for evaluation of financial capability shall be defined in terms of any or all of the following,-

(a) net worth of the Applicant as described in the tender documents;

(b) average annual turnover for a period not less than the immediately preceding three years derived from audited financial statements;

(c) average net cash accrual for a period not less than the immediately preceding three years derived from audited financial statements; and

(d) any other criteria relevant in the context of a particular Project.

(4) Based on the nature of the Project, the Procuring Entity may, in addition to the criteria prescribed in sub-rules (2) and (3), specify qualifying criteria in relation to the following areas, namely:-

(a) Existing commitment of the Applicant and capacity to deliver on the Project in addition to the existing commitments;

(b) Proposed team of experts, if the Project requires specialised technical expertise; and

(c) Experience of Applicant or the proposed team for working in local conditions where in the opinion of the Procuring Entity such conditions are expected to have a material impact on the development or operation of the proposed facility or service.

(d) Any other criteria relevant in the context of a particular Project.

(5) As far as may be practicable, the qualification criteria will be specified on a pass or fail basis to enable objective evaluation of the tenders.

*Explanation:-* For the purpose of sub-rule (5), a pass or fail test would includes a test based on a marking system with a minimum score requirement.

**33. Schedule of Request for Qualification (RFQ).-** (1) The following minimum periods shall be allowed by the Tender Inviting Authority while determining the schedule of Request for Qualification stage:

(a) The due date shall ordinarily be not earlier than 8 (eight) weeks from the date of advertisement or notification of the Request for Qualification (RFQ) whichever is later;

(b) Pre-submission meeting, if any, shall be held at least 3 (three) weeks before the due date;

(c) The clarifications on the queries of Applicants shall be issued not less than 1 (one) week before the due date; and

(d) Corrigenda or notifications of amendments in the Request for Qualification (RFQ) shall be issued not less than 1 (one) week before the due date.

(2) In exceptional cases, the Tender Inviting Authority may at the time of issuing the Request for Qualifications (RFQ) reduce the minimum time limits prescribed in sub-rule (1) for reasons to be recorded in writing and with the prior permission of the authority superior to the Tender Inviting Authority:

Provided that in no case shall the due date be advanced after the publication of the notification or advertisement of the Request for Qualification (RFQ):

Provided further that in cases where the tender documents require the clearance of the Tamil Nadu Infrastructure Development Board under the Tamil Nadu Infrastructure Development Act (Tamil Nadu Act 22 of 2012), such reduction of time would have to be specifically authorized by the Board.

**34. Removal of Conflict of Interest.-** The Procuring Entity may allow an Applicant, within 10 (ten) days after the due date, to remove from its consortium any member who suffers from a Conflict of Interest under rule 15, and such removal shall be deemed to cure the Conflict of Interest arising in respect thereof.

**35. Evaluation of Applications.-** (1) The submitted Request for Qualification (RFQ) Applications shall be evaluated by the Tender Scrutiny and Evaluation Committee by using the qualifying criteria as specified in the Request for Qualification (RFQ).

(2) The Applicants shall be assessed on the basis of whether they achieve the pre-specified minimum pass or fail threshold.

*Explanation*:- For the purpose of sub-rule (2), a pass or fail test would includes a test based on a marking system with a minimum score requirement.

(3) Only those applicants who clear the threshold shall be qualified for the next stage of the Tender Proceedings, as the case may be.

**36. Notification of Qualification.-** (1) The Procuring Entity shall promptly notify each Applicant in writing whether or not it has been qualified.

(2) The Procuring Entity shall make available to any person, the names of all Applicants that have been qualified.

(3) Only Applicants who have qualified are entitled to participate further in the Tender Proceedings.

(4) The Tender Accepting Authority may decide not to proceed further with the tender if the said authority is of the view that an adequate number of applicants have not qualified to have a competitive tender.

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## CHAPTER-V.

## REQUEST FOR TECHNICAL PROPOSAL.

**37. Request for Technical Proposal (RTP).-** (1) Subject to the provisions of rule 5, where the Procuring Entity determines that a Request for Technical Proposals (RTP) should be made prior to the Request for Proposals, the Tender Inviting Authority shall issue a Request for Technical Proposals to all qualified applicants.

(2) The Request for Technical Proposals (RTP) shall involve a technical evaluation in the form of a pass or fail test, and only submissions that pass the minimum technical criteria will be invited to submit a Final Offer at the Request for Proposal (RFP) stage.

*Explanation*:- For the purpose of sub-rule (2), a pass or fail test would includes a test based on a marking system with a minimum score requirement.

(3) The Request for Technical Proposals (RTP) shall specify the Minimum Technical Requirements (MTR), formulated based on the Feasibility Study or detailed project study or such other study.

(4) The Minimum Technical Requirements (MTR) shall be a description of outcomes that are sought to be achieved and not necessarily the means by which they are to be achieved and to the extent possible the Minimum Technical Requirements (MTR) shall be technology and brand neutral.

(5) The Minimum Technical Requirements (MTR) shall necessarily include the following:

(a) description of the scope of the Project; which shall mean the physical facilities that need to be constructed, the capacity of each such facility or its component and related aspects;

(b) output specifications; which shall include a description of the target users, levels of service, quality standards and performance parameters;

(c) the design and safety codes or standards that the facility must comply to, including for management of social and environmental impacts;



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(d) the operation requirements including the standards to be followed for operations of the facility and provision of service including standards for safety, security, labour relations, quality, monitoring, reporting and dissemination, service levels to be offered to customers including waiting times and standards for grievance redressal;

(e) maintenance requirements including the maintenance standards and schedule for compliance; and

(f) testing and performance monitoring requirements specifing the tests that would be carried out for performance monitoring and the key performance indicators that would be monitored.

(6) The Request for Technical Proposal (RTP) shall ordinarily require the Qualified Applicants to submit responses on the technical solution, business solution and financial plan for implementing the Project. The Procuring Entity shall define and document the specific requirements for Technical Proposal for each Project in the Request for Technical Proposal (RTP), which have not already been assessed at the Request for Qualification (RFQ) stage and shall ordinarily include:

(a) Basic information about the Qualified Applicant:

(i) Corporate information about the Qualified Applicant;

(ii) Constitutional documents of the Qualified Applicant;

(iii) Annual reports (if required);

(iv) Details about business activities including number of years of operation, certifications, tie ups and similar arrangements; and

(v) Any other documents considered relevant.

(b) Experience of the Applicant, relevant to the Project:

(i) Details of the project experience; and

(ii) Certificates and other documentation supporting the project experience;

(c) Approach and methodology for implementation of the Project, including:

(i) Understanding of the scope of work;



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(ii) Technical solution proposed or the approach for implementation of the Project;

(iii) Activity plan and schedule;

(iv) Details of the facility or service proposed;

(v) Brief construction plan; and

(vi) Brief operations and maintenance plan;

(d) Business plan for implementation of the Project, including.-

(i) Organisation structure of the Concessionaire;

(ii) Marketing plan;

(iii) Environmental and social impact management plan;

(iv) Tie-ups and associations; and

(v) Identification of risks and risk management plan.

(e) Financial plan for implementation of the Project, including.-

(i) Sources of finances and their expected boundary conditions;

(ii) Plan for financial sustainability of the Public Private Partnership (PPP) Project; and

(iii) Projected financial assessments and key assumptions.

(7) Each of the parameters shall be clearly defined for evaluation of the Technical Proposal and assigned a maximum score.

(8) The threshold or cut-off score for the pass or fail test based on Minimum Technical Requirements shall be pre-determined and specified in the Request for Technical Proposal (RTP).

**38. Schedule of Request for Technical Proposal (RTP).-** (1) The following minimum period shall be allowed by the Tender Inviting Authority while determining the schedule of the Request for Technical Proposal (RTP) stage:

(a) The due date shall not be less than 6 (six) weeks from the date of issue of the Request for Technical Proposal (RTP);

(b) Pre-submission meeting shall be held at least 3 (three) weeks before the due date;



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(c) The clarifications on the queries of Qualified Applicants shall be issued not less than 1 (one) week before the due date; and

(d) Corrigenda or notifications of amendments in the Request for Technical Proposal (RTP) shall be issued not less than 1 (one) week before the due date.

(2) In exceptional cases, the Tender Inviting Authority may at the time of issuing the Request for Technical Proposal (RTP) reduce the minimum time limits prescribed in sub-rule (1) for reasons to be recorded in writing and with the prior permission of the authority superior to the Tender Inviting Authority:

Provided that in no case shall the due date be advanced after the issue of invitation of the Request for Technical Proposal (RTP).

Provided further that in cases where the tender documents require the clearance of the Tamil Nadu Infrastructure Development Board under the Tamil Nadu Infrastructure Development Act (Tamil Nadu Act 22 of 2012), such reduction of time would have to be specifically authorized by the Board.

**39. Technical Evaluation.-** (1) The submitted Technical Proposals shall be evaluated by the Tender Scrutiny and Evaluation Committee as per the criteria laid down in the Request for Technical Proposals (RTP).

(2) The Technical Proposals shall be evaluated on the basis of whether they achieve the minimum threshold or cut-off score specified in accordance with sub-rule (7) of rule 37.

**40. Notification of passed Technical Proposals to Qualified Applicants.-** (1) The Procuring Entity shall promptly notify each Qualified Applicant whether or not the Technical Proposal submitted by it has passed.

(2) Only Qualified Applicants whose Technical Proposals have passed shall be entitled to participate further in the Tender Proceedings.

**41. Combining Request for Technical Proposal with Request for Proposal.-** (1) For cases not covered under sub-rule (1) of rule 37 to optimize cost and effort when the Project does not merit a separate stage of Request for Technical Proposal (RTP), the Procuring Entity may combine the Request for Technical Proposal (RTP) stage with the Request for Proposal (RFP) stage to ensure price competition through adequate number of tenders.

(2) For cases covered under sub-rule (1), the Technical Proposal and the Final Offer shall be submitted in separate sealed envelopes.

(3) The Tender Inviting Authority shall open only the Technical Proposal for evaluation on the due date and time.

(4) The Technical Proposal shall be evaluated based on the technical parameters announced in the Request for Proposal (RFP) and list of technically qualified tenderers announced.

(5) The Final Offers of only the technically qualified tenderers shall be opened, after due intimation of the time and place of opening and evaluated.

(6) In the event that Request for Technical Proposal (RTP) stage is proposed to be combined with the Request for Proposal (RFP) stage, the Procuring Entity shall ensure that the relevant provisions of rule 37 are reflected in the Request for Proposal (RFP).

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## CHAPTER-VI.

## REQUEST FOR PROPOSAL.

**42. Request for Proposal (RFP).-** (1) The Tender Inviting Authority shall prepare the Request for Proposal (RFP) and the Draft Concession Agreement and issue it to all the qualified applicants.

(2) The Request for Proposal (RFP) shall solicit the binding Final Offer from tenderers in a separate sealed cover.

(3) The Request for Proposal (RFP) shall contain the following.-

(a) Feasibility Report or Project Information Memorandum or both which will provide such information to tenderers as is required to evaluate the Project and estimate their Final Offer including:

(i) Project objectives and rationale;

(ii) Site details;

(iii) Role of the public agency and stakeholders;

(iv) Project scope in accordance with rule 43; and

(v) Output specifications;

(b) Instruction to Tenderers which would define the process of tender submission and evaluation. This section shall include all procedures, terms and conditions which should be followed by the Tenderers for submission of their tenders and which would be followed by the Procuring Entity in accepting and evaluating the Tenders;

(c) The draft Concession Agreement which shall govern the contractual relations between the Concessionaire and the Procuring Entity detailing the rights and obligations of both the parties, definition of the subject matter of the agreement, payment terms, performance obligations, defaults and their consequences, events of termination and other ancillary clauses as provided in Schedule-I of this rule.

(4) In case of any discrepancy between the Project Information Memorandum or the Feasibility Study Report and the Draft Concession Agreement, the Draft Concession Agreement shall prevail.

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**43. Project Scope.-** (1) The Procuring Entity shall set out the detailed description of the Public Private Partnership (PPP) Project and the project scope in the Request for Proposal (RFP).

(2) To the extent practicable, the description of the Project and project scope shall be objective, functional and generic, and shall set out the relevant technical, quality and performance characteristics expected.

(3) There shall be no requirement for or reference to a particular trademark or trade name, patent, design or type, specific origin or producer unless there is no sufficiently precise or intelligible way of describing the characteristics of the project scope and specifications and provided that words such as "or equivalent" are included.

**44. Revenue Sharing or Revenue Support Mechanisms.-** (1) While preparing the draft Concession Agreement for any project, the Procuring Entity taking note of the monopoly nature of the public service to be provided by the Concessionaire under a Public Private Partnership (PPP) Project shall specifically consider whether to provide for revenue sharing or revenue support mechanisms within the Concession Agreement and if considered necessary, include necessary provisions in the Agreement.

(2) The revenue-sharing or revenue support mechanism for the Project should be designed in such a way as to ensure that:

(a) the Concessionaire does not enjoy super-normal or wind fall profits and at the same time does not suffer due to unforeseen revenue-side risks.

(b) the mechanism does not curtail private efficiency and at the same time does not compensate the Concessionaire for risks rightfully meant to borne by the Concessionaire under the Concession Agreement.

**45. Appointment and Role of Independent Auditor.-** (1) While preparing the draft Concession Agreement for any project, the Procuring Entity shall specifically consider the need to appoint an Independent Auditor for the project and if considered necessary, include necessary provisions in the Agreement.

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(2) An Independent Auditor shall be appointed with the specific prior concurrence of the Procuring Entity and shall not be removed or replaced without the approval of the Procuring Entity.

(3) The Independent Auditor's scope of work shall be specified in the Concession Agreement and shall *inter-alia* include certifying the accuracy and correctness of any financial calculations or claims required to be made by Concessionaire under the Concession Agreement.

(4) The Independent Auditor shall prepare and submit to the Procuring Entity a quarterly report and such other special reports as the Procuring Entity may seek.

(5) An indicative scope of work for the Independent Auditor is provided for guidance in Schedule-II of this rule.

**46. Appointment and Role of Independent Engineer.-** (1) While preparing the draft Concession Agreement for any project, the Procuring Entity shall specifically consider the need to appoint an Independent Engineer for the project and if considered necessary, include necessary provisions in the Agreement.

(2) The Independent Engineer's scope of work shall be specified in the Concession Agreement and shall *inter-alia* include:

(a) Review, inspection and monitoring of construction works, examination of the designs / drawings and conduct of tests;

(b) Issue of progress reports and completion certificates during and after completion of the construction period;

(c) Review and inspection of the operations and maintenance arrangements and monitoring compliance with the performance and maintenance standards, during the operations period;

(d) Identifying delays and lapses that require action on part of the Procuring Entity for enforcing the agreement terms;

(e) Determining the reasonableness of costs for any works or services, as required under the Concession Agreement;

(f) Determining the period or extension thereof, for performing any duty or obligations, as required under the Concession Agreement;



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(g) Carrying out such responsibilities as are assigned by the Procuring Entity.

(3) The Independent Engineer shall prepare and submit to the Procuring Entity a monthly progress report.

(4) An indicative scope of work for the Independent Engineer is provided for guidance in Schedule-III of this rule.

(5) The Independent Engineer shall, at the close of the Concession Agreement, take stock of the asset to be reverted to the Procuring Entity and submit a report on the same in comparison to the asset handed over for operation at commercial operations date and the value addition made thereon.

**47. Role of Lead Financial Institution.-** (1) While preparing the draft Concession Agreement for any project, the Procuring Entity shall specifically consider the need to include a provision to require the Concessionaire to identify a Lead Financial Institution and if considered necessary, include necessary provisions in the Agreement.

(2) Subject to sub rule (1), the Concession Agreement shall have provisions requiring the submission of quarterly reports by Lead Financial Institution to the Procuring Entity on the following aspects,- namely:-

(a) Financial progress,

(b) Statement of debt and equity contribution, and

(c) Any other relevant financial information, as required.

**48. Treatment of Variation.-** (1) The Concession Agreement shall provide that day-to-day operational variations which have no material impact on the project variables should be managed by the Concessionaire.

(2) The Concession Agreement may provide for the procedure for amending the Agreement as a consequence for known variations, and day-to-day operational variations that are likely to have a material impact on the Project.

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(3) Such procedures for amendment shall take note of the nature of variation and its impact on contract terms and in case of material variations in contract terms, require an additional value for money assessment to be undertaken.

**49. Evaluation Criteria.-** (1) The Request for Proposal (RFP) shall specify the commercial conditions of the Tender and the single criterion for the Final Offer which would be used to determine the Lowest Tenderer.

(2) The single criterion specified in the Request for Proposal (RFP) for the Final Offer may be any one or a combination of the following:

(a) state support sought;

(b) expected revenue including from sources such as property development and advertisement;

(c) tariff;

(d) present value of lifecycle cost;

(e) period of the concession;

(f) upfront premium;

(g) equity stake;

(h) share of subsidized facilities to the Procuring Entity;

(i) revenue share;

(j) lease rent;

(k) annuity payment;

(l) any other financial criterion relevant to the project;

(3) The Request for Proposal (RFP) shall clearly and specifically define the form and content of the Final Offer and state that the Lowest Tenderer shall be selected on the basis of the most advantageous Final Offer.

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**50. Schedule of Request for Proposal (RFP).-** (1) The following minimum periods shall be followed by the Tender Inviting Authority while determining the schedule of the Request for Proposal (RFP) stage:

(a) The due date shall be no later than 8 (eight) weeks from the date of advertisement or notification of the Request for Proposal (RFP) whichever is later;

(b) Pre-submission meeting shall be held not less than 4 (four) weeks before the due date;

(c) The clarifications on the queries of Qualified Applicants shall be issued not less than 2 (two) weeks before the due date; and

(d) Corrigenda or notifications of amendments in the Request for Proposal (RFP) or Draft Concession Agreement shall be issued not less than 1 (one) week before the due date.

(2) In exceptional cases, the Tender Inviting Authority may at the time of issuing the Request for Propsoal (RFQ) reduce the minimum time limits prescribed in sub-rule (1) for reasons to be recorded in writing and with the prior permission of the authority superior to the Tender Inviting Authority:

Provided that in no case shall the due date be advanced after such date and time has been notified to the Qualified Applicants or Tenderers:

Provided further that in cases where the tender documents require the clearance of the Tamil Nadu Infrastructure Development Board under the Tamil Nadu Infrastructure Development Act (Tamil Nadu Act 22 of 2012), such reduction of time would have to be specifically authorized by the Board.

**51. Data Room.-** (1) In cases where the Procuring Entity is of the view that the Project requires substantial project related data to be made available to the prospective tenderers, the Procuring Entity shall maintain either a physical or a virtual data room or both where project-specific information shall be maintained.

(2) The data room shall be maintained in a single physical location or website, for a limited period of time, where the Tenderers shall be permitted only to review such documents, which are otherwise not distributed.



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(3) All qualified applicants or prospective tenderers, as the case may be, shall be allowed to access the data room.

(4) The data room will be maintained by the Procuring Entity until the completion of the Request for Proposal (RFP) stage.

(5) The location and rules for accessing the data room shall be stated in the Request for Proposal (RFP).

**52. Site Visit.-** (1) If the Public Private Partnership (PPP) Project involves important site-related issues, a site visit shall be organised early in the Request for Proposal (RFP) stage.

(2) All qualified applicants or prospective tenderers, as the case may be, shall be invited to undertake the site visit.

(3) Non-discriminatory access to the site facilities based on prior requests by the qualified applicants or prospective tenderers may also be allowed by the Tender Inviting Authority to the extent practicable and considered necessary.

**53. Change in Composition of Consortium.-** (1) Where the Tenderer is a consortium, change in the composition of a consortium may be permitted by the Procuring Entity prior to the due date, only where:

(a) The application for such change is made not later than 15 (fifteen) days prior to the due date;

(b) The lead member of the consortium remains unchanged;

(c) Based on requirement, a substitute is proposed at least equal, in terms of financial or technical capacity or both, to the consortium member who is sought to be substituted;

(d) The modified consortium continues to meet the pre-qualification and short-listing criteria for the Tender Proceedings;

(e) The new member or members expressly adopt the Responses already made on behalf of the consortium as if party to it originally; and

(f) The new member or members do not have a Conflict of Interest in terms of rule 15.

(2) Approval for change in the composition of a consortium shall be at the sole discretion of the Procuring Entity and shall be communicated by the Procuring Entity to the Tenderer in writing.

(3) The reconstituted consortium shall submit a revised agreement before the due date.

**54. Effectiveness of Tenders.-** (1) Tenders shall be in effect during the period of time specified in the Request for Proposal (RFP).

(2) Prior to the expiry of the period of validity of Tenders, the Procuring Entity may request Tenderers to extend the period for an additional specified period of time. A Tenderer may refuse the request without forfeiting its Earnest Money Deposit (EMD).

(3) If a Tenderer agrees to extend the period of validity of its Tender, the Procuring Entity shall procure an extension of the period of effectiveness of Earnest Money Deposit (EMD) as provided by such Tenderer or call for new Earnest Money Deposit (EMD) for the additional specified period of time.

(4) If a Tenderer has not extended the Earnest Money Deposit (EMD), or has not provided a fresh Earnest Money Deposit (EMD), it shall be considered as refusal of the request to extend the period of effectiveness of its Tender.

**55. Evaluation of Tenders.-** (1) Evaluation of submitted Tenders shall be carried out by the Tender Scrutiny and Evaluation Committee.

(2) The Tender evaluation shall follow the pre-determined criteria as specified in the Request for Proposal (RFP).

**56. Selection of the Lowest Tenderer.-** (1) All qualified tenders adjudged responsive shall be ranked in accordance with the evaluation criterion specified in Request for Proposal (RFP) and the Tenderer with the financially most advantageous Final Offer shall be the Lowest Tenderer.

(2) Subject to the provisions of sub section (3) of section 10 of the Act, the Tender Accepting Authority may negotiate with the Lowest Tenderer for a further improvement of the Final Offer:

Provided that there shall be no negotiation on or changes to the provisions of the draft Concession Agreement.



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(3) In the event that the Lowest Tenderer identified in accordance with sub-rule (1) is rejected in accordance with sub-section (4) of section 10 of the Act or withdraws, the Tender Accepting Authority may, in the second round of bidding invite all the remaining Tenderers to revalidate or extend their respective Earnest Money Deposit (EMD), as necessary, and match the Tender of the aforesaid Lowest Tenderer.

(4) If in the second round of bidding, only one Tenderer matches the aforesaid Lowest Tenderer, such Tenderer shall be selected the Lowest Tenderer. If in the second round of bidding, two or more Tenderers match the said Lowest Tenderer then the Tenderer whose Tender was lower or more advantageous as compared to other Tenderers in the first round of bidding shall be selected as the Lowest Tenderer.

*Illustration*: If the third and fifth ranked Tenderers in the first round of bidding offer to match the said first ranked Tenderer in the second round of bidding, the said third rank Tenderer shall be the Lowest Tenderer.

(5) In the event that no Tenderer offers to match the Lowest Tenderer in the second round of bidding as specified under this rule, the Tender Accepting Authority may for reasons to be recorded in writing, initiate a third round of bidding in which the said authority invites from all tenderers except the Lowest Tenderer of the first round of bidding or annul the tender process, as the case may be.

(6) In case, the Tenderers are invited for the third round of bidding, they will be required to revalidate or extend their tender security, as necessary, and offer fresh offers.

Provided, however, that in such third round of bidding only such offers shall be eligible for consideration which are lower than the tender of the second Lowest Tenderer in the first round of bidding.

**57. Treatment of Two Equal Tenders**.- In the event that two or more Tenderers have quoted the same Final Offer, the Lowest Tenderer shall be identified by adopting one of the following approaches, which shall be pre-specified in the Tender Documents:

(a) by taking into account the aggregate experience score of each such tenderer from the Request for Qualification (RFQ) stage, wherein the Tenderer with higher score shall be adjudged the Lowest Tenderer; or

(b) by asking the Tenderers who have quoted the same Final Offer to provide their best and final offer. The Tenderer offering the most advantageous Final Offer at this stage shall be adjudged the Lowest Tenderer.

**58. Treatment of Speculative Tenders.-** (1) The Tender Accepting Authority may reject a tender if it has determined that the financial bid in combination with other constituent elements of the tender is abnormally low or abnormally high in relation to the subject matter of the procurement and raises concerns with such authority as to the ability of the Tenderer to perform the Public Private Partnership (PPP) contract.

(2) Before arriving at a determination under sub-rule (1), the Tender Accepting Authority may in writing seek such other information from the Tenderers as it considers relevant:

(3) The decision of the Tender Accepting Authority to reject a submission in accordance with this rule and the reasons for that decision, and all communications with the Tenderer under this rule shall be included in the record of the Tender Proceedings.

(4) The decision of the Tender Accepting Authority and the reasons therefor shall be promptly communicated to the Tenderer concerned.

**59. Tender Finalization and Award.-** (1) The results of evaluation of tenders shall be submitted to the Tender Accepting Authority for approval.

(2) The Lowest Tenderer shall be notified by the Tender Inviting Authority after obtaining approval of the Tender Accepting Authority.

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(3) On receipt of approval of the Tender Accepting Authority, the Tender Inviting Authority shall communicate to other Tenderers about the selection of the Lowest Tenderer, and its intention to execute the Concession Agreement with the Lowest Tenderer.

(4) After selection, a Letter of Award (LOA) shall be issued, in duplicate, by the Procuring Entity to the Lowest Tenderer with the condition that the Lowest Tenderer shall, within 7 (seven) days of the receipt of the Letter of Award (LOA), sign and return a duplicate copy of the Letter of Award (LOA) in acknowledgement thereof.

(5) Subject to fulfilment of the requirements specified in the Request for Proposal (RFP) and of the Letter of Award (LOA) the Lowest Tenderer will be required to enter into a Concession Agreement with the Procuring Entity and the Procuring Entity shall execute the Concession Agreement with the Lowest Tenderer.

**60. Monitoring of Concession Agreement.**- (1) Procuring Entity that enters into a Concession Agreement shall make adequate institutional arrangements to monitor the performance of the Concessionaire under such agreement.

(2) Such arrangements shall include the receipt, study and corrective action based on the reports of the Independent Engineer and Independent Auditor.

**61. Change in Ownership.-** (1) In the event that the Lowest Tenderer is a consortium, the members of such consortium shall collectively hold such proportion of the issued and paid up share capital of the Concessionaire for the term of the Concession and at stages as may be specified in the Concession Agreement:

Provided that such proportion shall not be less than 51% (fifty one percent).

(2) In the event of a change of a member of a consortium or an Associate whose technical capacity or financial capacity or both was taken into consideration for the purposes of pre-qualifying the Tenderer, prior to the signing of the Concession Agreement, the tenderer shall inform the authority forthwith along with all relevant particulars about the same and the Procuring Entity may, at its sole discretion, disqualify the tenderer or terminate the Letter of Award (LOA), as the case may be, and also forfeit the Earnest Money Deposits (EMD) or the performance security.



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(3) In the event of a change as described in sub-rule (2) occurs after signing of the Concession Agreement but prior to Financial Closure of the Public Private Partnership (PPP) Project, it would, notwithstanding anything to the contrary contained in the Concession Agreement, be deemed to be a breach thereof, and the Concession Agreement shall be liable to be terminated without the Procuring Entity being liable in any manner whatsoever to the Concessionaire.

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## SCHEDULE-I.

*[see rule 42(3)(c)]*

## PROVISIONS OF THE DRAFT CONCESSION AGREEMENT.

The provisions of the draft Concession Agreement shall *inter-alia* necessarily cover:

(i) Recitals- identifying the parties to the contract, offer and acceptance;

(ii) Definitions- defining the key terms of the contract to ensure uniformity of usage and interpretation throughout the document;

(iii) Scope of the Public Private Partnership (PPP) Project;

(iv) Grant of concession, whereby the Procuring Entity grants the concession to the Concessionaire subject to the terms and conditions of the Concession Agreement;

(v) Conditions precedent;

(vi) Obligations of the Concessionaire;

(vii) Obligations of the Procuring Entity;

(viii) Representations and warranties of both the parties;

(ix) Form and value of Performance Security to be submitted by the Concessionaire;

(x) Matters related to the site;

(xi) The construction of the facility including Minimum Technical Requirements thereof, date for completion of construction etc.;

(xii) Performance monitoring during construction including key performance indicators, monitoring responsibilities and related provisions;

(xiii) Completion of construction including provisions for testing, approval and certification;



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(xiv) Change in scope during the contract period;

(xv) Operation and maintenance of the facility and provision of service including minimum technical requirements;

(xvi) Performance monitoring during operations and maintenance including key performance indicators, monitoring and reporting responsibilities and related provisions;

(xvii) Appointment, role and functions, remuneration and reporting requirements of Independent Engineer and Independent Auditor;

(xviii) Financial close;

(xix) State support, grant expected or revenue share or premium to be paid;

(xx) Payments by users, authority for tariff fixation, procedure of revision of tariff and related provisions;

(xxi) Collection of user charges, including allocation of the authority to collect and retain user charges;

(xxii) Financial aspects of the contract including escrow account, other payments between the parties to the contract;

(xxiii) Maintenance of books of accounts and audit requirements;

(xxiv) Insurance;

(xxv) Force Majeure – definition, procedure for recognition under the contract, consequences and compensation on termination due to occurrence of Force Majeure events;

(xxvi) Events of default and consequences of default;

(xxvii) Termination of the contract and consequences of termination;

(xxviii) Assignments and charges;



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(xxix) Change in law including consequences for change in law;

(xxx) Liability and indemnity; and

(xxxi) Dispute resolution.

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**SCHEDULE-II.**

*[see rule 45(5)]*

## SCOPE OF WORK FOR INDEPENDENT AUDITOR.

(1) The role of the Independent Auditor would encompass:

(a) Advising Procuring Entity in the calculation of all financial parameters of the Project including the Total Cost of the Project, Returns and Recovery accounting and shall provide, at the end of each financial year, a certificate confirming the accuracy of all calculations made during the relevant financial year.

(b) Verification of the records and invoices provided by the Concessionaire and shall advise the Procuring Entity of the results of his quarterly audit within one month after the end of the relevant quarter.

(2) The scope of work as envisaged will be carried out during two different stages of the project.

- Construction Stage.

- Operation Stage.

(3) The Independent Auditor would carry out the work specified as scheduled above and would employ qualified and experienced person of the type and nature as desirable to carry out the assignment.

(4) The appointment of the Independent Auditor would be for a period of three years initially and could be extendable as mutually agreed between the parties concerned.

(5) The Independent Auditor would employ a team of qualified Chartered Accountants / Cost Accountants / other professions as may be relevant to carry out the assignment besides other support personnel as may be desirable.

(6) The Concessionaire will be required to provide all the necessary information as may be required by the Independent Auditor and will provide access to all the records as may be necessary to enable the Independent Auditor to carry out their responsibilities.

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**SCHEDULE-III.**

*[see rule 46(4)]*

## SCOPE OF WORK FOR INDEPENDENT ENGINEER.

**1. Scope.-** (1) Indicative Terms of Reference for the Independent Engineer [the "Indicative Terms of Reference (TOR)"] for development of the [...] Public Private Partnership (PPP) Project. The Public Private Partnership (PPP) Project is contemplated for [...].

(2) Terms of Reference (TOR) shall apply to construction, operation and maintenance of the Public Private Partnership (PPP) Project and Project Assets (Civil Structures, Plant and Machinery, any other as defined in Concession Agreement).

**2. Role and functions of the Independent Engineer.-** (1) The role and functions of the Independent Engineer shall include the following:

(a) Review of the Drawings and Documents;

(b) Review, inspection and monitoring of Construction Works;

(c) Review, inspection and testing of Civil Works, Plant and Machinery;

(d) Conducting Tests on completion of construction and issuing Completion / Provisional Certificate;

(e) Review, inspection and monitoring of Operation and Maintenance (O&M);

(f) Determining the costs of any works or services and / or their reasonableness;

(h) Determining the period or any extension thereof, for performing any duty or obligation; and

(i) Assisting the Parties in resolution of disputes.

(2) The Independent Engineer shall discharge his duties in a fair, impartial and efficient manner, consistent with the highest standards of professional integrity and Good Industry Practice.



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**3. Termination.-** The Independent Engineer shall inspect the Project Assets in accordance with the Exit Strategy.

**4. Reporting Requirement.-** The Independent Engineer shall prepare and submit to the Project Management Facility (PMF) of Procuring Entity 3 (three) copies and Concessionaire 2 (two) copies each of the following reports:

(a) Design Review Phase: Monthly Progress Report.

(b) Construction Phase: Monthly and Quarterly Inspection Report covering all aspects such as Progress Monitoring, Quality Assurance (QA) / Quality Control (QC) etc.

(c) Operation and Maintenance Phase:

(i) Monthly and Quarterly report on existing condition of facility including advise on all aspects of Operation and Maintenance, Toll Booths, Bridges or other Structures, Traffic Management and Safety, Telephone, Ambulance, etc.; and

(ii) Monthly report on audit of the traffic using the Public Private Partnership (PPP) Project Highway at least once a month;

(d) Various other reports as provided in the Concession Agreement such as Completion Report.

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# NOTIFICATIONS ISSUED UNDER CLAUSE (f) OF SECTION 16 OF THE TAMIL NADU TRANSPARENCY IN TENDERS ACT, 1998 (TAMIL NADU ACT 43 OF 1998).

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## NOTIFICATIONS ISSUED UNDER CLAUSE (F) OF SECTION 16 OF THE TAMIL NADU TRANSPARENCY IN TENDERS ACT, 1998 (TAMIL NADU ACT 43 OF 1998).

**1.** The National Textile Corporation, Coimbatore for purchase of uniform cloth by Police Department.

*[TNGGE No.329 / 17-5-2002 (No.II(2)FIN/426(a)/2002) - G.O.Ms.No.179 / 17th May, 2002].*

**2.** The Ordnance Factory and the Defence Research and Development Organisation of the Ministry of Defence, Government of India and the Bureau of Police Research and Development Organisation of the Ministry of the Home Affairs, Government of India for purchase of defence and security related items by Director General of Police.

*[TNGG No.22 / 4-6-2003 (No.II(2)/FIN/395/2003) - G.O.Ms.No.166 / 28th May, 2003].*

**3.** The procurement of weaning food directly from Women's Industrial Co-operative Societies to the extent of 65% of the requirement or upto the optimum level that could be supplied by the said societies whichever is less and entrustment of work relating to stitching of school uniforms intended for free supply to school going children to the Women's Co-operative Tailoring Societies registered with the Directorate of Social Welfare as on the date of entrustment of work.

*[TNGGE No.50A / 16-2-2007 (No.II(2)/FIN/83(d)/2007) - G.O.Ms.No.63 / 16th Feb., 2007].*

**4.** The Tamil Nadu Salt Corporation Limited, Chennai for the purpose of said section to supply of Double Fortified Salt to all the Nutritious Meal Programme Centres in all the Districts so as to enable the Government to procure the entire quantity of Double Fortified Salt required for the Nutritious Meal Programme Centres under Puratchi Thalaivar MGR Nutritious Meal Programme.

*[TNGGE No.162A / 12-6-2007 (No.II(2)/FIN/295(d)/2007) - G.O.Ms.No.239 / 12th June, 2007].*

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**5.** The procurement of wooden and steel furniture including computer furniture from Tamil Nadu Small Industries Corporation Limited (TANSI), by the Government Departments, Public Sector Undertakings, Statutory Boards, Local Bodies, Co-operative Institutions, Universities and Societies formed by Government and the Tamil Nadu Small Industries Corporation Limited (TANSI) shall effect the supplies within the time stipulated by the procuring entities.

*[TNGGE No.253 / 29-8-2007 (No.II(2)/FIN/520(a)/2007) - G.O.Ms.No.401 / 29th August, 2007].*

**6.** The entrustment to the Anna University, Chennai the work of redesigning the Perambur fly-over with the assistance of a suitable consultant.

*[TNGGE No.276 / 1-10-2007 (No.II(2)/FIN/586(d)/2007) - G.O.Ms.No.472 / 1st October, 2007].*

**7.** The works taken up under Namakku Naame Thittam be entrusted to the contributors themselves on optional basis in respect of the works in which the Government contribution is 50% or less in terms of the value of the work.

*[TNGGE No.315 / 14-11-2007 (No.II(2)/FIN/722(d)/2007) - G.O.Ms.No.548 / 14th November, 2007].*

**8.** Appointment of Delhi Metro Rail Corporation Limited, a joint venture of Government of India and Government of Delhi, as Interim Consultants for a period of one year and subsequently as Prime Consultants for Chennai Metro Rail Project.

*[TNGGE No.43 / 13-02-2008 (No.II(2)/FIN/109(a)/2008) - G.O.Ms.No.45 / 13th February, 2008].*

**9.** The procurement of indigenous coal by Tamil Nadu Electricity Board from the Public Sector Undertakings of Government of India at the prices as notified by the Government of India and import of coal through Central Public Sector Undertakings which have been in the business of importing coal and supplying to Government owned power utilities, at the price negotiated with the concerned Central Public Sector Undertakings or import of coal through Tamil Nadu Newsprint and Papers Limited, procured by means of competitive bidding, without prejudice to the right of Tamil Nadu Electricity Board to procure imported coal through competitive bidding as per the said Act.

*[TNGGE No.121 / 28-04-2008 (No.II(2)/FIN/216(e)/2008) - G.O.Ms.No.172 / 28th April, 2008 and amendment TNGGE No.229 / 28-08-2009 (No.II(2)/FIN/447(d)/2009)-G.O.Ms.No.417/28th Aug, 2009)].*



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**10.** The award of execution of works by the Tamil Nadu Electricity Board under Rajiv Gandhi Grameen Vidyutikaran Yojana in 26 districts of Tamil Nadu and all future works under Rajiv Gandhi Grameen Vidyutikaran Yojana to M/s.Tamil Nadu Small Industries Corporation, a Government of Tamil Nadu Undertaking on total turn-key contract basis.

*[TNGGE No.187 / 16-06-2008 (No.II(2)/FIN/286(d)/2008) - G.O.Ms.No.242 / 16th June, 2008].*

**11.** The procurement of services of training by Government Departments and other procuring entities under the said Act from the State Government and the Government of India Educational and Training Institutes and the Universities established by the State and Central Government.

*[TNGGE No.300 / 7-10-2008 (No.II(2)/FIN/456(d)/2008 - G.O.Ms.No.437 / 07th October, 2008].*

**12.** The procurement of milk and milk products from the Tamil Nadu Co-operative Milk Producers Federation (Aavin) and controlled essential commodities such as Rice, Wheat, Sugar, Rava and Maida from the Tamil Nadu Civil Supplies Corporation Limited by the Prison Department subject to the condition that the said Corporation shall supply Rice at above poverty line rate fixed by the Government of India.

*[TNGGE No.342 / 11-11-2008 (No.II(2)/FIN/526(h)/2008) - G.O.Ms.No.483 / 11th November, 2008].*

**13.** The appointment of the Centre of Environmental Studies , Anna University, Guindy, Chennai-600 025 as the consultant for a period of 4 months to assess the Environmental Impact to the new complex for the Tamil Nadu Legislative Assembly to be constructed by the Public Works Department.

*[TNGGE No.353 / 19-11-2008 (No.II(2)/FIN/551(a)/2008) - G.O.Ms.No.500 / 19th November, 2008].*

**14.** The award of construction of the Dairy-cum-powder plant with a capacity of 2.00 Lakhs Litre per day with 20 metric tonnes of powder plant at Thiruvannamalai on turn-key basis to the National Dairy Development Board by the Commissioner for Milk Production and Dairy Development.

*[TNGGE No.377 / 18-12-2008 (No.II(2)/FIN/608(c)/2008) - G.O.Ms.No.540 / 18th December, 2008].*



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**15.** The appointment of the "Tamil Nadu Urban Infrastructure Financial Services Limited" as consultant to render advice to the Tourism and Culture Department for the "Miniature Tamil Nadu" project till the completion of the works.

*[TNGGE No.5 / 06-01-2009 (No.II(2)/FIN/(c)/2009) - G.O.Ms.No.4 / 06th January, 2009].*

**16.** The procurement of provision of Common User Group Mobile Phone services from Bharat Sanchar Nigam Limited(BSNL) by the Tamil Nadu Police Department.

*[TNGGE No.10 / 07-01-2009 (No.II(2)/FIN/22(b)/2009) - G.O.Ms.No.7 / 07th January, 2009].*

**17.** The entrustment of the project on Geographical Information System (GIS) by the Public (Elections-II) Department for Electoral Rolls updation, rationalization of Polling Stations as per the terms and conditions of the orders issued in Government Order Ms.No. 88, Public(Elections-II) Department, dated 22-01-2009 in all the districts of Tamil Nadu except Thiruvallur district to the Bharathidasan University, Tiruchirappalli.

*[TNGGE No.48 / 23-02-2009 (No.II(2)/FIN/80(d )/2009) - G.O.Ms.No.73 / 23rd February, 2009].*

**18.** The procurement of groceries [other than the commodities viz., Rice, Wheat. Sugar, Rava and Maida notified in the G.O. Ms.No.483, Finance (Salaries) Department, dated 11-11-2008] and vegetables required by the Prison Department directly from the Co-operative Societies.

*[TNGGE No.82 / 24-03-2009 (No.II(2)/FIN/136(d-1)/2009) - G.O.Ms.No.115 / 24th March, 2009].*

**19.** The appointment of the Tamil Nadu Road Development Company Limited (TNRDC) as the Managing Associate, for the work of calling for tenders and co-ordination of the execution of works during the period of construction of Outer Ring Road from Vandalur to Nemilichery under Build, Operate and Transfer - Annuity basis, as per the terms and conditions laid down in paragraph 5 of G.O.Ms.No.32, Highways and Minor Ports (HF2) Department, dated 25.02.2009.

*[TNGGE No.82 / 24-03-2009 (No.II(2)/FIN/136(d-2)/2009) - G.O.Ms.No.116 / 24th March, 2009].*

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**20.** The spot purchase of domestically produced Toor Dhal from the production centres by the Tamil Nadu Civil Supplies Corporation (TNCSC) for the Public Distribution System till 30-06-2009.

*[TNGGE No.97 / 13-04-2009 (No.II(2)/FIN/160(a)/2009) - G.O.Ms.No.142 / 13th April, 2009].*

**21.** The procurement of coal by the Tamil Nadu Cements Corporation Limited either from the Tamil Nadu Electricity Board or from the Tamil Nadu Newsprint and Papers Limited whichever is advantageous.

*[TNGGE No.115 / 04-05-2009 (No.II(2)/FIN/195(c)/2009) - G.O.Ms.No.179 / 04th May, 2009].*

**22.** The procurement of khaki cloth, white poplin cloth, blue casement cloth and blue half saree cloth by the Director of Handloom and Textiles required for the free supply of uniforms to the beneficiaries covered under Puratchi Thalaivar M.G.R Nutritious Meal Programme from the Tamil Nadu Textile Corporation, subject to the condition that the procurement will be restricted to the said categories of cloth which are actually produced by the mills owned by the Tamil Nadu Textile Corporation.

*[TNGGE No.116 / 05-05-2009 (No.II(2)/FIN/195(d)/2009) - G.O.Ms.No.181 / 05th May, 2009].*

**23.** The procurement of provision of Common User Group Mobile Phone services from Bharat Sanchar Nigam Limited (BSNL) by the Tamil Nadu Forest Department.

*[TNGGE No.177 / 17-07-2009 (No.II(2)/FIN/358(c-1)/2009) - G.O.Ms.No.302 / 17th July, 2009].*

**24.** The appointment of the "Indian National Trust for Art and Cultural Heritage" (INTACH) as the consultant to render Consultancy, Monitoring and Supervising Services for the Tranquebar Development Project.

*[TNGGE No.177 / 17-07-2009 (No.II(2)/FIN/358(c-2)/2009) - G.O.Ms.No.303 / 17th July, 2009].*

**25.** The procurement of provision of Common User Group Mobile Pghone services from Bharat Sanchar Nigam Limited (BSNL) by the Tamil Nadu Fire and Rescue Services Department.

*[TNGGE No.222 / 24-08-2009 (No.II(2)/FIN/424(c)/2009) - G.O.Ms.No.403 / 24th August, 2009].*

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**26.** The Tamil Nadu Urban Infrastructure Financial Services Limited as optional consultancy providing / procuring agency, subject to the condition that in each case, Government will fix the consultancy fee, wherein the Tamil Nadu Urban Infrastructure Financial Services Limited itself carries out the consultancy and service charges, in case external consultancy is procured by the Tamil Nadu Urban Infrastructure Financial Services Limited.

*[TNGGE No.267 / 06-10-2009 (No.II(2)/FIN/510(f)/2009) - G.O.Ms.No.484 / 06th October, 2009].*

**27.** The entrustment of Rapid Environmental Impact Assessment Studies to the Centre for Environmental Studies, Anna University, Chennai-600 025 on nomination basis in connection with the formation of flood carrier canal from Kannadian Channel to drought prone areas of Sathankulam and Thisaiyanvilai by inter-linking Thamirabarani, Karumeniyar and Nambiyar Rivers in Tirunelveli and Thoothukudi Districts.

*[TNGGE No.335 / 22-12-2009 (No.II(2)/FIN/690(f)/2009) - G.O.Ms.No.561 / 22nd December, 2009].*

**28.** The New Tirupur Area Development Corporation Limited (NTADCL) as the Consultant for preparation of Detailed Project Report for Water Supply Improvement Schemes and Sewerage Works and Project Management Consultancy in respect of Tirupur Corporation.

*[TNGGE No.69 / 11-03-2010 (No.II(2)/FIN/150(c)/2010) - G.O.Ms.No.77 / 11th March, 2010].*

**29.** The entrustment of the improvement work of auditoriums and formation of mini auditoriums for the conduct of World Tamil Classical Language Conference to Coimbatore District Small Scale Industries Association (CODISSIA) Intec Technology Centre, Coimbatore, subject to the conditions laid down in para 9 of the G.O (Ms) No.119, Tamil Development, Religious Endowments and Information Department, dated 13.04.2010.

*[TNGGE No.126 / 30-04-2010 (No.II(2)/FIN/232(c)/2010) - G.O.Ms.No.125 / 30th April, 2010].*

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**30.** The entrustment of the preparation of Three Master Plans for Mamallapuram Local Planning Area, Ariyalur Local Planning Area and Sriperumbudur New Town Development Area using Geographical Information System (GIS) to the Institute of Remote Sensing, Anna University, Guindy, Chennai under IKONOS/Quick Bird Method.

*[TNGGE No.225 / 28-07-2010 (No.II(2)/FIN/486(b-1)/2010) - G.O.Ms.No.220 / 28th July, 2010].*

**31.** The procurement of 2.0 lakh tonnes fine variety of boiled rice from Andhra Pradesh State Civil Supplies Corporation procured from the millers of Andhra Pradesh at the levy rate fixed by the Government of India, by the Tamil Nadu Civil Supplies Corporation for the Public Distribution System(PDS).

*[TNGGE No.225 / 28-07-2010 (No.II(2)/FIN/486(b-2)/2010) - G.O.Ms.No.221 / 28th July, 2010].*

**32.** The procurement of the services of Bharat Sanchar Nigam Limited (BSNL) for telecom solutions such as provisions of Landline, ISDN, PRI and 100 Mbps Internet leased line at Anna Centenary Library, Kotturpuram, Chennai by the Director of Public Libraries.

*[TNGGE No.280 / 15-09-2010 (No.II(2)/FIN/574(a)/2010) - G.O.Ms.No.363 / 15th September, 2010].*

**33.** The appointment of Dr A.R.Santhakumar (Retired Professor of Anna University) as a consultant on nomination basis to study the safety of the Mullai Periyar Main Dam and Baby Dam and their resistance to earthquake, using 3 Dimensional Finite Element Method.

*[TNGGE No.313 / 13-10-2010 (No.II(2)/FIN/632(a)/2010) - G.O.Ms.No.393 / 13th October, 2010].*

**34.** The entrustment of the work of transportation of Electronic Voting Machines (EVMs) from Uttar Pradesh to Tamil Nadu by rail to the Container Corporation of India Limited (CONCOR).

*[TNGGE No.12 / 07-01-2011 (No.II(2)/FIN/8(f)/2011) - G.O.Ms.No.12 / 07th January, 2011].*

**35.** The appointment of Confederation of Indian Industries (CII) as State Consultant for the implementation of "Employable Skill Training to the Unemployed Educated Youth Scheme" of Labour and Employment Department.

*[TNGGE No.60 / 15-02-2011 (No.II(2)/FIN/71(e)/2011) - G.O.Ms.No.47 / 15th February, 2011].*



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**36.** The entrustment of the preparation of Detailed Project Report (DPR) in respect of second phase of Chennai Metro Rail Project to the Delhi Metro Rail Corporation(DMRC).

*[TNGGE No.71 / 24-02-2011 (No.II(2)/FIN/90(d-1)/2011) - G.O.Ms.No.55 / 24th February, 2011].*

**37.** The appointment of M/s Wipro Limited as Implementing Agency in the State Portal and State Services Delivery Gateway (SSDG).

*[TNGGE No.71 / 24-02-2011 (No.II(2)/FIN/90(d-2)/2011) - G.O.Ms.No.56 / 24th February, 2011].*

**38.** The entrustment of the work of providing Broadband connectivity to Polling Stations, Internet leased line connectivity to the office of Chief Electoral Officer, District Election Officers and Returning Officers, purchase of SIM cards and any other similar services required to be provided as per the directions of the Election Commission of India for the ensuing General Elections to Tamil Nadu Assembly, 2011 to M/s Bharat Sanchar Nigam Limited (BSNL).

*[TNGGE No.112 / 28-03-2011 (No.II(2)/FIN/144(d)/2011) - G.O.Ms.No.97 / 28th March, 2011].*

**39.** The appointment of National Institute of Oceanography (NIO) and National Environmental Engineering Research Institute (NEERI) to take up Environmental Impact Assessment Study (EIA) for disposal of the effluents from textile dyeing units under the Marine Discharge Project.

*[TNGGE No.144 / 19-05-2011 (No.II(2)/FIN/223(a)/2011) - G.O.Ms.No.142 / 19th May, 2011].*

**40.** The procurement of gold coins from Public Sector Banks/State Bank of India and its Associates by the Director of Social Welfare for providing 4 (four) grams of 22 ct. (twenty two carat) gold at "free of cost" for making "Thirumangalyam" to the beneficiaries under the following marriage assistance schemes, namely:-

1. Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Assistace Scheme.
2. Dr.Dharmambal Ammaiyar Ninaivu Widow Remarriage Assistance Scheme.
3. E.V.R. Maniammaiyar Ninaivu Marriage Assistance Scheme for Daughters of poor widows.
4. Annai Theresa Ninaivu Marriage Assistance Scheme for Orphan Girls and
5. Dr.Muthulakshmi Reddy Ninaivu Inter-Caste Marriage Assistance Scheme".

*[TNGGE No.217 / 12-07-2011 (No.II(2)/FIN/309(f)/2011) - G.O.Ms.No.190 / 12th July, 2011].*



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**41.** The entrustment of work to M/s Health Sprint Networks Private Limited, Chennai for providing software solution and the following trained manpower through outsourcing as an interim arrangement till the implementation of Comprehensive Health Insurance Scheme:-

(a) Doctors for pre-authorisation and claim process - 20 Numbers.

(b) Accounts Manager and Accounts Executive for claim settlement - 3 Numbers.

(c) Claim Validators – 2 Numbers.

(d) MIS Specialist for reporting – 1 Number.

(e) IT Support Staff – 1 Number.

(f) Call centre team for providing customer support – 2 Numbers.

(g) Manager for overall management of preauthorization and claim process – 1 Number.

*[TNGGE No.245 / 29-07-2011 (No.II(2)/FIN/347(e)/2011) - G.O.Ms.No.207 / 29th July, 2011].*

**42.** The engagement of Pallavan Transport Consultancy Services Limited for the preparation of Feasibility Study on Mono Rail Project in Chennai.

*[TNGGE No.265 / 12-08-2011 (No.II(2)/FIN/368(b)/2011) - G.O.Ms.No.216 / 12th August, 2011].*

**43.** The entrustment of the wave tranquility model studies of Colachel Fishing Harbour to Central Water and Power Research Station, Pune for the construction of Fishing Harbour at Colachel in Kanniyakumari District.

*[TNGGE No.280 / 25-08-2011 (No.II(2)/FIN/383(c)/2011) - G.O.Ms.No.227 / 25th August, 2011].*

**44.** The procurement of 25,40,195 packs of Sanitary Napkins for postnatal mothers from Self Help Groups through Tamil Nadu Corporation for Development of Women Limited for the implementation of the Menstrual Hygiene Programme in Tamil Nadu.

*[TNGGE No.132 / 18-5-2012 (No.II(2)/FIN/259(c)/2012) - G.O.Ms.No.162 / 18th May, 2012].*

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**45.** The procurement of quality Frozen Semen Straws by the Animal Husbandry and Veterinary Services Department shall be made directly.- (a) from the Tamil Nadu Co-operative Milk Producers Federation Limited; and (b) from the Sabarmati Ashram Gaushala, Bidaj in Gujarat at mutually agreed prices from time to time.

*[TNGGE No.7/ 07-01-2013 (No.II(2)/FIN/52(c)/2013) - G.O.Ms.No.3 / 7th January, 2013].*

**46.** The award of construction, design, supply, installation, testing and commissioning of Ice Cream plant of 5000 Liter Per Day (LPD) on Turnkey basis at Ambattur Product Dairy at an estimated cost of Rs.13.00 Crores (Rupees Thirteen Crores only) to Messrs National Dairy Development Board by the Managing Director, Tamil Nadu Co-operative Milk Producers' Federation Limited.

*[TNGGE No.356/ 03-12-2013(No.II(2)/FIN/898(b-1)/2013)-G.O.Ms.No.446/3rd December, 2013].*

**47.** The award of construction, design, supply, installation, testing and commissioning of Cattle Feed Plant for 300 Metric Tonnes (MT) capacity per day at an estimated cost of Rs.7.00 Crores (Rupees Seven Crores only) at Erode on Turnkey basis to M/s National Dairy Development Board by the Managing Director, Tamil Nadu Co-operative Milk Producers' Federation Limited.

*[TNGGE No.356/ 03-12-2013 (No.II(2)/FIN/898(b-2)/2013) - G.O.Ms.No.447 / 3rd December, 2013].*

**48.** The entrustment of the work of conservation and restoration of the following five Heritage Court Buildings at Chennai to The Indian National Trust for Art and Cultural Heritage (INTACH), New Delhi :-

(1) Metropolitan Magistrate Court, George Town, Rajaji Salai, Chennai.

(2) Chief Metropolitan Magistrate Court, Saidapet, Chennai.

(3) Chief Metropolitan Magistrate Court, Chief Metropolitan Magistrate Court Campus, Egmore, Chennai.

(4) Additional Chief Metropolitan Magistrate Court, Chief Metropolitan Magistrate Court Campus, Egmore, Chennai and

(5) Small Causes Court, High Court Campus, Chennai.

*[TNGGE No.11/ 21-01-2014 (No.II(2)/FIN/27(b-1)/2014) - G.O.Ms.No.17 / 21st January, 2014].*



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**49.** The entrustment of the work for setting up of a New Dairy at Perambalur with one lakh litre processing capacity on turnkey basis to National Dairy Development Board by the Tiruchirapalli District Co-operative Milk Producers' Union.

*[TNGGE No.11/ 21-01-2014 (No.II(2)/FIN/27(b-2)/2014) - G.O.Ms.No.18 / 21st January, 2014].*

**50.** The award of procurement of the Consultancy Services to undertake Environment Impact Assessment/Environment Management Plan of the project area of the Scheme "Formation of Flood carrier Canal from Kannadian Channel to drought prone areas of Sathankulam and Thisaiyanvilai by inter-linking of Thamiraparani, Karumeniyar and Nambiyar Rivers in Thirunelveli and Thoothukudi Districts", on Nomination basis to Messrs Water and Power Consultancy Services (WAPCOS) Limited.

*[TNGGE No.20/ 31-01-2014 (No.II(2)/FIN/65(b)/2014) - G.O.Ms.No.30 / 31st January, 2014].*

**51.** The award of Short Message Service (SMS) based Poll Monitoring System, Electoral Retrieval System, Push Short Message Service (SMS) facility to electors, Web streaming Internet Leased Line to District Election Officer's Office / Chief Electoral Officer's Office and Provision of Broad band connectivity to 17,684 Polling Stations and the Counting Centers situated in 42 locations in the Districts entrusted to Messers Bharat Sanchar Nigam Limited for the General Elections to Lok Sabha 2014 and Bye-Elections to Tamil Nadu Legislative Assembly from 28.Alandur Assembly Constituency .

*[TNGGE No.131/ 01-07-2014 (No.II(2)/FIN/391(b)/2014) - G.O.Ms.No.182 / 1st July, 2014].*

**52.** The entrustment of the Consultancy Services to Messrs. Water and Power Consultancy Services Limited 'on nomination basis' for preparation of Detailed Project Report, Rapid Environmental Impact Assessment Study, Preparation of Tender documents and assisting in evaluation of Tender, Project Management Consultancy Services and Post Project Evaluation Study for desilting of Vaigai, Pechipparai, Mettur, Amaravathy Reservoirs and Srivaikundam Anicut.

*[TNGGE No.238/ 19-11-2014 (No.II(2)/FIN/701(a)/2014) - G.O.Ms.No.278 / 19th November, 2014].*

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**53.** The Director of Animal Husbandry and Veterinary Services is permitted to procure Agathi seeds directly from National Seeds directly from National Seeds Corporation Limited, Chennai, a Government of India Organization.

*[TNGGE No.27/ 30-01-2015 (No.II(2)/FIN/51(b)/2015) - G.O.Ms.No.27 / 30th January, 2015].*

**54.** The utilizing the services of Messrs. Water and Power Consultancy Services Limited in connection with the preparation of Detailed Project Report for the work of "Improvements and Rehabilitation of Grand Anicut Canal System in Cauvery Basin at a cost of Rs.2,000 crore (Rupees two thousand crore only) under funding assistance of Accelerated Irrigation Benefits Programme.

*[TNGGE No.43/ 27-02-2015 (No.II(2)/FIN/114(a)/2015) - G.O.Ms.No.54 / 27th February, 2015].*

**55.** The Director of Animal Husbandry and Veterinary Services is permitted to procure cattle feed for the departmental farms from Tamil Nadu Veterinary and Animal Sciences University.

*[TNGGE No.45/ 03-03-2015 (No.II(2)/FIN/114(b)/2015) - G.O.Ms.No.58 / 3rd March, 2015].*

**56.** The Director of Animal Husbandry and Veterinary Services is permitted to procure the Mineral Mixture for Livestock of Tamil Nadu from Tamil Nadu Co-operative Milk Producers Federation Limited (Aavin) and Tamil Nadu Veterinary and Animal Sciences University (TANUVAS).

*[TNGGE No.46/ 04-03-2015 (No.II(2)/FIN/119(a)/2015) - G.O.Ms.No.59 / 4th March, 2015].*

**57.** The entrustment of work for providing Centralized Electoral Roll Management System (ERMS) over Cloud and Internet Leased Line connectivity for the Cloud Offices of the Chief Electoral Officer, District Election Officers, Electoral Registration Officers and Broad Band connectivity for the Assistant Electoral Registration Officer offices to Messrs. Bharath Sanchar Nigam Limited (BSNL) and the order for supply of Software licenses to Messrs. Electronics Corporation of Tamil Nadu (ELCOT).

*[TNGGE No.117 / 02-06-2015 (No.II/(2)FIN/251(b)/2015) - G.O.Ms.No.160 / 2nd June, 2015].*

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**58.** The selection of the Confederation of Indian Industry (CII) as event partner for organizing the main event of Global Investors Meet 2015 at an estimated cost of Rs.4,00,37,000/-, taking into account it's very strong membership base, availability of Centers of Excellence, overseas offices, institutional partnerships with 312 counterpart organizations in 106 countries and huge experience in organizing such international events in various States as well as in Tamil Nadu over a long period of time.

*[TNGGE No.126 / 08-06-2015 (No.II(2)/FIN/263(d)/2015) - G.O.Ms.No.167 / 8th June, 2015].*

The following amendment to the Finance Department Notification No.II (2)/FIN/263 (d)/2015 published at page 1 of part II- Section 2 of the Tamil Nadu Government Gazette, Extraordinary, dated the 8th June, 2015:-

**AMENDMENT**

In the said notification, for the expression "Rs.4,00,37,000/-" the expression "Rs.22,40,85,943/-" shall be substituted.

*[TNGGE No.237/07-10-2016 (No.II(2)/FIN/668 (a )/2016) - G.O.Ms.No.269 /7th October,2016].*

**59.** The entrustment of the work to Messrs. Bharath Sanchar Nigam Limited (BSNL), Chennai for providing cloud based servers and related software licences for Election Novel Electronic Tracking and Rapid Action System (E-NETRA) and Electoral Assistance System (EASY) in connection with the bye-election to Tamil Nadu Legislative Assembly from No. 11.Dr.Radhakrishnan Nagar Assembly Constituency.

*[TNGGE No.163 / 29-07-2015 (No.II(2)/FIN/425(a-1)/2015) - G.O.Ms.No.216 / 29th July, 2015].*

**60.** Conducting the study on Communication and Information Technology for the Police Department with the expertise of Indian Institute of Technology, Madras.

*[TNGGE No.163 / 29-07-2015 (No.II(2)/FIN/425(a-2)/2015) - G.O.Ms.No.217 / 29th July, 2015].*

**61.** The Managing Director, Tamil Nadu Medical Services Corporation Limited is permitted to procure and supply the Sowbagyasunti Lehiyam from the Tamil Nadu Medicinal Plant Farms and Herbal Medicine Corporation Limited (TAMPCOL) for the Amma Baby Care Kit.

*[TNGGE No.219 / 19-10-2015 (No.II(2)/FIN/600(c)/2015) - G.O.Ms.No.266 /19th October, 2015].*



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**62.** The Managing Director, Tamil Nadu Medical Services Corporation Limited is permitted to procure and supply a quantity of 2,30,000 packs of belt type sanitary napkins per month from the Prison Department.

*[TNGGE No.15 / 25-01-2016 (No.II(2)/FIN/62(c)/2016) - G.O.Ms.No.24 /25th January, 2016].*

**63.** The Director General of Police, Tamil Nadu is permitted for the purchase of weapons and equipments through State Trading Corporation of India Limited, Chennai.

*[TNGGE No.98 / 04-05-2016 (No.II(2)/FIN/320(b-1)/2016) - G.O.Ms.No.132 /4th May, 2016].*

**64.** The entrustment of the work of providing Short Message Service (SMS) based Poll Monitoring System on the day of Poll (16-05-2016) including the Short Message Service Gateway for creating the awareness to the electors through the Bharat Sanchar Nigam Limited Gateway and provision of 20 Mega Bits Per Second leased line connectivity to the Office of the Chief Electoral Officer for monitoring the Poll Proceedings on the day of Counting (19.05.2016) for the ensuing General Elections to Tamil Nadu Legislative Assembly, 2016 to Messrs Bharat Sanchar Nigam Limited (BSNL).

*[TNGGE No.98 / 04-05-2016 (No.II(2)/FIN/320(b-2)/2016)- G.O.Ms.No.133 /4th May, 2016].*

**65.** The purchase of cloth from the Tamil Nadu Textiles Corporation Limited by State Government Departments, State Public Sector Undertakings, Statutory Boards and Local Bodies.

*[TNGGE No.98 / 04-05-2016 (No.II(2)/FIN/320(b-3)/2016)- G.O.Ms.No.134 /4th May, 2016].*

**66.** The procurement of various kinds of board directly from the Tamil Nadu Newsprint and Papers Limited for printing of textbook covers by the Tamil Nadu Textbook and Educational Services Corporation.

*[TNGGE No.103/12-05-2016(No.II(2)/FIN/327(a)/2016)-G.O.Ms.No.137/12th May, 2016].*

**67.** The entrustment of the preparation of Detailed Project Report to Nabard Consultancy Services Private Limited (NABCONS), Chennai for the establishment of Cold Chain and Terminal Market Infrastructure at Madurai, Tirunelveli, Coimbatore and Krishnagiri in Tamil Nadu.

*[TNGGE No. 130 / 26-05-2016 (No.II(2)/FIN/ 345 (b-1 )/2016) - G.O.Ms.No.149 /26th May, 2016].*



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**68.** The appointment of "Tamil Nadu Handicrafts Development Corporation Limited" as an Optional Procurement Agency for procurement of handicraft items by Government Departments / State Public Sector Undertakings and State Autonomous Bodies, on the following terms:-

(a) Tamil Nadu Handicrafts Development Corporation Limited shall procure products manufactured by its production units and artisans registered with it;

(b) For procurement of services and other products, which are not produced by Tamil Nadu Handicrafts Development Corporation Limited, but essential to the buyers, as per their requirement, the procedure laid down in Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) and Tamil Nadu Transparency in Tenders Rules, 2000 shall be followed and the percentage of such procurement shall be comparatively lesser than percentage procured from own production centre and registered artisans;

(c) Tamil Nadu Handicrafts Development Corporation Limited shall charge reasonable service charges to ensure that their quotes are cost competitive.

*[TNGGE No. 130 / 26-05-2016 (No.II(2)/FIN/ 345 (b-2 )/2016) - G.O.Ms.No.150 /26th May, 2016].*

**69.** The entrustment of the project of "Establishment of Ultra High Temperature Milk Plant with Aseptic Packing Station at Sholinganallur Dairy, Chennai" to Messrs National Dairy Development Board, Anand.

*[TNGGE No. 171 / 20-07-2016 (No.II(2)/FIN/ 466 (a )/2016) - G.O.Ms.No.214 /20th July, 2016].*

**70.** The entrustment of work of establishing New Ice-Cream plant of 10,000 litre per shift in Madurai Dairy premises at an estimated cost of Rs.43.95 Crore, on turnkey basis, to Messrs. National Dairy Development Board, Anand in Guajarat.

*[TNGGE No.65 / 17-03-2017 (No.II(2)/FIN/184(b)/2017)- G.O.Ms.No.69 /17th March, 2017].*

**71.** The entrustment of the consultancy services to undertake the Comprehensive Environmental Impact Assessment Study for the proposed Athikadavu-Avinashi Irrigation, Groundwater Recharge and Drinking Water Supply Scheme in Tamil Nadu on nomination basis to Messrs Water and Power Consultancy Services (WAPCOS) Limited, Chennai.

*[TNGGE No.69 / 20-03-2017 (No.II(2)/FIN/184(f-1)/2017)- G.O.Ms.No.70 /20th March, 2017].*



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**72.** The entrustment of conducting feasibility study and preparation of Detailed Project Report to NABARD Consultancy Services (NABCONS) for setting up of Women Bank under National Rural Livelihood Promotion (NRLP) by Tamil Nadu Corporation for Development of Women Limited.

*[TNGGE No.69 / 20-03-2017 (No.II(2)/FIN/184(f-2)/2017)- G.O.Ms.No.71 /20th March, 2017].*

**73.** The purchase of raw materials by Erode District Co-operative Milk Producers' Union for the Erode Cattle Feed Plant required for the production of cattle feed through National Co-operative Dairy Federation of India Limited e-market.

*[TNGGE No.112 / 24-04-2017 (No.II(2)/FIN/295(c)/2017)- G.O.Ms.No.101 /24th April, 2017].*

**74.** The entrustment to the Centre for Water Resources, Anna University, Chennai for the Concurrent Evaluation work of Repair, Renovation and Restoration (RRR) of Water Bodies on nomination basis by the Chief Engineer, Design, Research and Construction Support, Water Resources Department.

*[TNGGE No.139 / 17-05-2017 (No.II(2)/FIN/410(a)/2017)- G.O.Ms.No.131 /17th May, 2017].*

**75.** The entrustment of study for Developing Decision Support System and Market Linkages for Enhanced Value Creation of Fruits and Vegetables in Tamil Nadu to International Crops Research Institute for the Semi-Arid-Tropics (ICRISAT), Hyderabad.

*[TNGGE No.147/24-05-2017 (No.II(2)/FIN/420(a)/2017)- G.O.Ms.No.136 /24th May, 2017].*

**76.** To engage the services of National Association of Software and Service Companies (NASSCOM) directly for the establishment of Startup Warehouse in the premises of Tidel Park Coimbatore Limited (TPCL), Coimbatore by the Electronics Corporation of Tamil Nadu (ELCOT) Ltd.

*[TNGGE No.159/06-06-2017 (No.II(2)/FIN/437(c)/2017)- G.O.Ms.No.163 /6th June, 2017].*

**77.** To engage the consultancy services of the Indian Institute of Technology, Madras for preparing Detailed Project Report (DPR) with all relevant studies for the Development of Infrastructure at Cuddalore Minor Port by the Tamil Nadu Maritime Board.

*[TNGGE No.181/19-06-2017 (No.II(2)/FIN/491(e)/2017)- G.O.Ms.No.176 /19th June, 2017].*



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**78.** To engage Anna University as a consultant and service provider to develop and maintain software for recruitment of Assistant Engineers and Environmental Scientists by the Tamil Nadu Pollution Control Board.

*[TNGGE No.383/30-11-2017(No.II(2)/FIN/993(a-1)/2017)-G.O.Ms.No.350 /30th November, 2017].*

**79.** The procurement of Vermitiles and Graphitiles from the Tamil Nadu Minerals Limited (TAMIN) by Government Departments including local bodies.

*[TNGGE No.384/30-11-2017(No.II(2)/FIN/993(a-2)/2017)-G.O.Ms.No.351 /30th November, 2017].*

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# LIST OF AMENDMENTS

## TAMIL NADU TRANSPARENCY IN TENDERS ACT, 1998

| Sl. No. | Year | Details of Amendments | Section |
|---|---|---|---|
| 1. | 2001 | **TNTIT (Amendment) Act, 2001 (Tamil Nadu Act 14 of 2001)** [TNGGE No.667 / 24-09-2001] (w.e.f. 1-12-2001). [TNGGE No.44 / 21-11-2001 (No.II(2) / FIN / 888(m a) / 2001.- G.O.Ms. No.451, Finance (Salaries), 16th Nov. 2001] | 2, 16. |
| 2. | 2002 | **TNTIT (Amendment) Act, 2002 (Tamil Nadu Act 43 of 2002)** [TNGGE No.757 / 18-11-2002] (w.e.f. 30-09-2002) TNTIT (Amendment) Ordinance, 2002 (Tamil Nadu Ordinance 8 of 2002).] | 16, 21. |
| 3. | 2004 | **TNTIT (Amendment) Act, 2004 (Tamil Nadu Act 33 of 2004)** [TNGGE No.305 / 09-12-2004] (w.e.f. 01.10.2004) [TNTIT (Amendment) Ordinance, 2004 (Tamil Nadu Ordinance 13 of 2004) (TNGGE No.251 / 01-10-2004).] | 16 |
| 4. | 2006 | **TNTIT (Amendment) Act, 2006 (Tamil Nadu Act 28 of 2006)** [TNGGE No.249 / 12-09-2006] (w.e.f. 01.10.2006) | 16 |
| 5. | 2012 | **TNTIT (Amendment) Act, 2012 (Tamil Nadu Act 6 of 2012)** [TNGGE No.51 / 23-02-2012] (w.e.f. 01-10-2011] TNTIT (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 2 of 2002).] | 16 |
| 6. | 2012 | **TNTIT (Second Amendment) Act, 2012 (Tamil Nadu Act 31 of 2012)** [TNGGE No.320/15-11-2012] (w.e.f. 07-12-2012) [TNGGE No.342 / 07-12-2012 (No.II(2) / FIN / 815(g)/2012) - G.O.Ms.No.422, Finance (Salaries), 7th Dec., 2012]. | 2, 10, 12, 16. |
| 7. | 2017 | **TNTIT (Amendment) Act, 2017 (Tamil Nadu Act 45 of 2017)** [TNGG No.261 / 07-08-2017] (w.e.f. 19-09-2017) [TNGG No.295 / 19-09-2017 (No. II(2)/FIN/783(d)/2017) - [G.O. Ms. No. 269, Finance (Salaries), 19th September 2017]. | 2, 16. |
| 8. | 2018 | **TNTIT (Amendment) Act, 2018 (Tamil Nadu Act 11 of 2018)**, [TNGGE No.46 / 31-01-2018], (w.e.f. 17-10-2017) TNTIT (Second Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 6 of 2017). [TNGGE No.333 / 17-10-2017]. | 16. |
| 9. | 2018 | **TNTIT (Second Amendment) Act, 2018 (Tamil Nadu Act 17 of 2018)** [TNGGE No.136 / 13-08-2018] (w.e.f. 26 06 2018) [TNGGE No.224/26-06-2018 (No.II(2) / FIN / 549(d) / 2018.- G.O.Ms. No.206, Finance (Sal.), 26th June 2018]. | 2, 3, 6, 9, 10, 16. |

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## TAMIL NADU TRANSPARENCY IN TENDERS RULES, 2012

| Sl. No. | Year | Details of Amendments | Rules |
|---|---|---|---|
| 1. | 2001 | TNGG No.44 / 21-11-2001 (No.SRO A-72(m-a)/2001) - G.O.Ms.No.452 / 16th November, 2001. | 20, 50. 62. |
| 2. | 2002 | TNGGE No.183 / 23-03-2002 (No.SRO A-17(b)/2002) - G.O.Ms.No.107 / 23rd March, 2002. | 56 |
| 3. | 2003 | TNGGE No.281 / 09-10-2003 (No.SRO A-42(e)/2003) - G.O.Ms.No.412 / 09th October, 2003. | 46 |
| 4. | 2004 | TNGG No.14 / 14-04-2004 (No.SRO A-12/2004) - G.O.Ms.No.107 / 23rd March, 2004. | 18 |
| 5. | 2007 | TNGG No.40 / 09-10-2007 (No.SRO A-52/2002) - G.O.Ms.No.286 / 13th August, 2002. | 57 |
| 6. | 2007 | TNGGE No.127 / 22-05-2007 (No.SRO A-19(c))/2007) - G.O.Ms.No.177 / 22nd May, 2007. | 23, 25, 26. |
| 7. | 2007 | TNGGE No.272A / 30-09-2007 (No.SRO A-44(a-1)/2007) - G.O.Ms.No.471 / 30th Sept., 2007. | 27, 28, 29, 30, 31, 32, 37, 38, 39, 45. |
| 8. | 2009 | TNGGE No.212 / 18-08-2009 (No.SRO A 22(a)/2009) - G.O.Ms.No.392 / 18th August, 2009. | 9, 61. |
| 9. | 2012 | TNGGE No.345 / 11-12-2012 (No.SRO. A-36(a) /2012) - G.O.Ms.No.425 / 1th December, 2012. | 1, 2, 3, 8, 11, 12, 15, 16, 19, 20, 22, 33, 34, 35, 36, 40, 41, 42, 43, 44, 49, 51, 52, 53, 54, 58, 59, 60. |
| 10. | 2017 | TNGGE No.228 / 13-07-2017 (No.SRO A 33(b)/2017) - G.O.Ms.No.215 / 13th July 2017. | 47, 48, 49(1). |
| 11. | 2017 | TNGGE No.296 / 19-09-2017 (No.SRO A-41(b-1)/2017) – G.O.Ms.No.270 / 19-09-2017. | 14, 17, 61(1). |
| 12. | 2017 | TNGGE No. 332 / 17-10-2017 (No.SRO A-46(d)/2017) - G.O.Ms.No.309 / 17th October 2017. | 13 |
| 13. | 2018 | TNGGE No.225 / 26-06-2018 (No.SRO A-35(b)/2018) – G.O.Ms.No.207 / 26th June 2018. | 4, 5, 6, 7, 10, 21, 55. |

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## LIST OF AMENDMENTS

### TAMIL NADU TRANSPARENCY IN TENDERS (PUBLIC PRIVATE PARTNERSHIP PROCUREMENT) RULES, 2012

| Sl. No. | Year | Details of Amendments | Rules |
|---|---|---|---|
| 1. | 2017 | TNGGE No. 296 / 19-09-2017 (No.SRO A-41(b-1)/2017) – G.O.Ms.No.271 / 19th September 2017. | 14, 17. |

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