



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhavan, 1st Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700091

No. 9 -W/2021-22

Dated, Kolkata, 7th October, 2021

MEMORANDUM

Reg: Re-constitution of the Government Appointed Departmental Tender Committees (DTC) in the Irrigation & Waterways Department

1. Two no. of "Government Appointed Departmental Tender Committees" (DTC) are hereby being reconstituted, one for North Bengal districts including Birbhum & Murshidabad and the other for South Bengal districts with the following composition and Terms of Reference (ToR):

1.A. **DTC for North Bengal** (For all works within the administrative jurisdiction of Irrigation & Waterways Directorate in the districts of Jalpaiguri, Alipurduar, Coochbehar, Darjeeling, Uttar & Dakshin Dinajpur, Malda, Murshidabad, Birbhum and Dumka but excluding package contracts, EPC Contracts, EAP tenders)

- | | | |
|--|-----|-----------------|
| i. Chief Engineer (North) | ... | Member |
| ii. Chief Engineer, Teesta Barrage Project | ... | Member |
| iii. Chief Engineer, North East | ... | Member |
| iv. Chief Engineer (Mechanical & Electrical) | ... | Member |
| v. Superintending Engineer concerned | ... | Member-Convenor |
| vi. Executive Engineer concerned with the work | ... | Member |

1.B. **DTC for South Bengal** (For all works in the remaining districts of the State within the administrative jurisdiction of Irrigation & Waterways Directorate, other than mentioned at 'A' prepage and excluding package contracts, EPC Contracts, EAP tenders)

i. Chief Engineer (South)	...	Member
ii. Chief Engineer (WBMIFMP)	...	Member
iii. Chief Engineer (Design & Research)	...	Member
iv. Chief Engineer (South West)	...	Member
v. Chief Engineer (West)	...	Member
vi. Chief Engineer (Mechanical & Electrical)	...	Member
vii. Superintending Engineer concerned with the work	...	Member-Convenor
viii. Executive Engineer concerned with the work	...	Member

1.C.(a) Quorum of the DTC for North Bengal is deemed to have been achieved only if concerned Executive Engineer, Superintending Engineer & Chief Engineer including at least two other member Chief Engineers remain present. However, in order to form quorum of the DTC for South Bengal, presence of the concerned Chief Engineer, concerned Superintending Engineer, concerned Executive Engineer and three other Chief Engineers would suffice. Senior most Chief Engineer attending the DTC meeting would function as the Chairman.

(b) A DTC meeting may be utilised for obtaining recommendations for acceptance of tender for works under the jurisdiction of more than one Chief Engineer provided full strength of DTC remain present.

2.A. Functions and Terms of References (ToR) of the aforesaid "Government Appointed Departmental Tender Committees" (DTC) and related procedural modalities are detailed below:

(a) The Government Appointed Departmental Tender Committees (DTC) would normally recommend acceptance of tenders to the concerned Chief Engineer of the lowest financial bid out of minimum three valid /Technically Qualified tenders for works **above Rs. 5.00 crore** within the Tender Value (Amount put to Tender).

(b) The DTC after careful evaluation shall either advice 2nd call re-tender or may recommend to the Government that the discovered rate in the 1st call tender with proper justifications for acceptance of the lowest bid beyond tender value **but up to 5% above** the amount put to tender (Tender Value) for all works tenders above Rs. 2.50 crore, in cases where at least three number of valid /Technically Qualified bidders have participated in financial bids **or advice Re-tender**. There is no need to refer the matter to the Department if at least three valid /Technically Qualified bids are received



during Re-tender which is invited after relaxation of eligibility criteria unless the sanctioned estimated cost excluding contingency or the budget provision is exceeded.

In case the administratively approved estimated sanctioned cost excluding 3% contingency (Tender BOQ) is exceeded, the case would have to be referred as per usual procedure to the Government in the Irrigation & Waterways Department for accordance of revised administrative approval and making suitable provision of additional fund in the budget only after which tender may be accepted and LoA & AOC issued by the Tendering authorities.

- (c) The DTC may recommend to the Government only with proper justifications for acceptance of L1 bid obtained in case of 2nd call or subsequent 3rd call re-tenders, if the number of technically qualified bids received is less than three provided the quoted rate is reasonable according to DTC.
- (d) Variation up to 10% may also be recommended for acceptance by the DTC to the Government for **only in very exceptional and peculiar situations and special circumstances** provided budgetary provision (Administratively approved sanctioned estimated cost) is not exceeded because of such excesses and the lowest tender out of at least three valid /Technically Qualified tenders is recommended for acceptance. In normal circumstances the DTC will advise the Tender Inviting Authority to proceed for re-tender with relaxed PQ eligibility criteria. The Government appointed Departmental Tender Committees (DTC) should mention nature of very exceptional and peculiar situation and special circumstances in their Minutes of the Meeting (MoM). Similar procedure of obtaining revised administrative approval as started at para 2.A.(b) above, needs to be followed for these cases as well. Variation up to 10% in 2nd call or subsequent call re-tenders may also be recommended for acceptance by the DTC to the Government for only for very exceptional and peculiar situations and special circumstances with proper justifications and certificate that the discovered rate is reasonable for consideration by the Finance Department. **Tender to be accepted only after obtaining concurrence of the Finance Department.**
- (e) **Tenders above this limit of 10% should not be accepted and re-tenders invited with relaxed PQ eligibility criteria.** Tenders above this limit however under exceptional circumstances if the DTC considers the discovered rate as reasonable and may be referred to the Irrigation & Waterways Department and thereafter if agreed by the Financial Advisor and the Head of the Department may be submitted to the Finance Department with recommendation of Financial Advisor and Department Head



and DTC provided if the DTC is of the opinion that there is no scope of lowering down the discovered bid price the below 10% even after 2nd call / 3rd call re-tender.

- (f) The lowest L1 bid for all works tenders should be accepted as per delegated powers as a rule. If there is more than one L1 bid in a tender, the tender has to be cancelled and invited afresh. If for any reason the lowest tender is not proposed to be accepted, prior reference is to be made to the Finance Department recommended with justifications by the DTC and then the Financial Advisor of this Department and views of Department Head and finally Finance Department for decision, as to which of the bidder the contract should be awarded.

2.B. Even if, after taking appropriate steps, in regard to relaxation of the eligibility criteria and other terms & conditions, the valid response to the Re-tender is less than three, that tender may treated in the following manner:

- (a) If the Tender value (Amount put to Tender) is less than Rs. 5.00 lakh:

Case 1: If the number of qualified bidder is 1 (one) during retender, the Departmental Head may accept the tender in consultation with the FA of the Department.

Case 2: If the number of qualified bidder is 2 (two) during retender, The Tender Inviting Authority may accept the tender on recommendation with proper justifications of the Departmental Tender Committee (DTC).

- (b) Revised estimate is to be prepared for approval of the Government in the Irrigation & Waterways Department. If the Tender value (Amount put to Tender) is equal to or more than Rs. 5.00 lakh but not more than Rs. 10 (Ten) Crore:

Case 1: If the number of qualified bidder is 1(one) during Re-tender:

- i. If the Bid is within 2% above the Tender value (Amount put to tender), the Departmental Head may accept the tender in consultation with the FA of the Department on recommendation with proper justifications of the Departmental Tender Committee (DTC)
- ii. If the Bid is beyond 2% above the Tender value (Amount put to Tender), the Departmental Head, in consultation with the FA of the Department will refer the proposal to the Finance Department.

In all cases revised estimate to be prepared for approval of the Government.



Case 2: If the number of qualified bidder is 2 (two) during Re-tender:

- i. If the Bid is within 2% above the Tender value (Amount put to Tender), the Tender Inviting Authority may accept the tender on recommendation of the Departmental Tender Committee (DTC).
 - ii. If the Bid is more than 2% but less than 5% above the Tender value (Amount put to Tender), the Department Head may accept the tender in consultation with the FA of the Department on recommendation of the Departmental Tender Committee (DTC).
 - iii. If the Bid is more than 5% above the Tender value (Amount put to Tender), the Departmental Head in consultation with the FA of the Department will refer the file to the Finance Department for approval.
- (c) In all cases, whenever the Departmental Tender value is exceeded, revised administrative approval is to be obtained from the Government. If the Tender value (Amount put to Tender) is more than Rs 10 (Ten) Crore:

The Departmental Head, in consultation with the FA of the Department and on the basis of justifications and recommendations of the Departmental Tender Committee (DTC) will refer the proposal to the Finance Department.

2. C. Upon obtaining concurrence from the Finance Department only tender is to be accepted and revised estimate submitted to the Finance Department. However, in all such cases at **(a), (b)** and **(c)** above, the following procedure are to be observed:

- (a) In case the tender is to be accepted by the Head of the Department, the Tender Inviting Authority will forward the case along with the duly filled up Format (Annexure-I) [enclosure of Finance Department No. 6989-F(Y) dated 19.11.2016] and necessary documents to the Head of the Department. The Head of the Department, in consultation with the FA of this Department on recommendation with proper justifications from the Departmental Tender Committee (DTC), will take the decision on approval.
- (b) If the case is to be referred to Finance Department through the Head of the Department, the Tender Inviting Authority will forward the case along with the duly filled up Format (Annexure-I) and necessary documents to the Head of the Department. The Head of the Department, in consultation with the FA of the Department on recommendation along with necessary justifications from the Departmental Tender Committee (DTC) will recommend the case to the Finance Department for decision.



3. Other Terms of References (ToR) of the Government Appointed Departmental Tender Committees (DTC):

The DTC shall be responsible for evaluation and recommendation of tender related to works with proper justifications including but limited to the following:

- i. Scrutinize all the tender related documents ascertain whether all the basic principles of public procurement have been followed;
- ii. Ensure that the necessary formalities as per guidelines issued by Finance Department from time to time have duly been observed by the Tender Inviting Authority;
- iii. Check the technical criteria including the necessary credentials in order to ensure that the technical criteria were not too restrictive and not fixed at a higher level than required for the project;
- iv. In case of Non-Schedule Items, the market rate of similar items or substitute items may also be compared. And after evaluation, if it is revealed that the discovered rate is unreasonably higher than the prevalent market rate / estimated cost then the Committee shall take a view on the reasonableness of the discovered rate; and
- v. Place the matter for approval of the appropriate authority in the Departmental after doing due diligence on the tenders.

4. A specimen checklist for scrutiny, evaluation, and recommendation for acceptance of a works tenders by the Government Appointed Departmental Tender Committee (DTC) is being enclosed as *Annexure-A* and the prescribed format for recommending to the Government for acceptance of discovered rate with less than three bids with 2nd or subsequent call tenders in terms of Finance Department No. 6989-F(Y) dated 19.11.2018 is being enclosed as *Annexure-I*.

5. This is issued in supersession to this Departments Order No. 39-W/2016-17 dated 10.03.2017. All tenders for which technical bids have been opened after the date shall come in the purview of this order.

6. The Departmental Code would be amended accordingly is due course.

Encl: 1. Annexure-A
2. Annexure-I



(A. Roy)
Secretary


Memo No. 221/1(4) –IB

Dated, 7th October, 2021

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. OSD to Minister-of-State
Irrigation & Waterways Department
3. P.A to Principal Secretary
Irrigation & Waterways Department
4. The Financial Advisor
Irrigation & Waterways Department

Encl: 1. Annexure-A
2. Annexure-I


(A. Ghosh)
Deputy Secretary to the
Government of West Bengal


Memo No. 221/2(3) –IB

Dated, 7th October, 2021

Copy forwarded for information to:

1. The Principal Accountant General (A&E), West Bengal
Treasury Buildings, 2, Government Place (West)
Kolkata 700 001
2. The Principal Accountant General (Audit), West Bengal
Treasury Buildings, 2, Government Place (West)
Kolkata 700 001
3. The Accountant General, West Bengal
Economics & Revenue Sector Audit
5th Floor, MSO Building, CGO Complex
Block DF, Sector-I, Bidhannagar, Kolkata 700 064

Encl: 1. Annexure-A
2. Annexure-I



(A. Ghosh)
Deputy Secretary to the
Government of West Bengal



Copy forwarded for information and necessary action to:

1. The Chief Engineer (South)
Irrigation & Waterways Directorate
2. The Chief Engineer (West)
Irrigation & Waterways Directorate
3. The Chief Engineer (South West)
Irrigation & Waterways Directorate
4. The Chief Engineer (North)
Irrigation & Waterways Directorate
5. The Chief Engineer & Project Director
WBMIFMP
Irrigation & Waterways Directorate
6. The Chief Engineer (Design & Research)
Irrigation & Waterways Directorate
7. The Chief Engineer (North East)
Irrigation & Waterways Directorate
8. The Chief Engineer, Teesta Barrage Project
Irrigation & Waterways Directorate
9. The Chief Engineer (Mechanical & Electrical)
Irrigation & Waterways Directorate

Encl: 1. Annexure-A
2. Annexure-I


(A. Ghosh)
Deputy Secretary to the
Government of West Bengal

Copy forwarded for information and necessary action to:

- 1-40. Superintending Engineer

Irrigation & Waterways Directorate
41. Executive Engineer
DVC Study Cell
Irrigation & Waterways Directorate

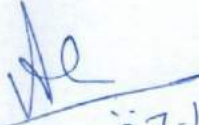


✓ 42.

Shri S. Saha
OSD & Ex-officio Deputy Secretary-III
Irrigation & Waterways Department

He is requested to upload the instant order in the Notification link of the departmental website www.wbiwd.gov.in under heading "**Reconstitution of the Government Appointed Departmental Tender Committees (DTC) in the Irrigation & Waterways Directorate**"

Encl: 1. Annexure-A
2. Annexure-I


(A. Ghosh) 07-10-2021

Deputy Secretary to the
Government of West Bengal


Annexure-A

Check list for recommendation by the Government Appointed Departmental Tender Committees (DTC) for the cases put forward to them:

The DTC shall be responsible for 2nd tier evaluation of the technical bid and recommendation of the discovered L1 bid from tender related to works with proper justifications including but limited to the following:

- i. Scrutinize all the tender related documents ascertain whether all the basic principles of public procurement have been followed by the tending authorities;
- ii. Ensure that the necessary formalities as per guidelines issued by Finance Department from time to time have duly been observed by the Tender Inviting Authority;
- iii. Re-check the technical PQ criteria including the necessary credentials in order to ensure that the technical criteria were not too restrictive and not fixed at a higher level than required for the project;
- iv. In case of Non-Schedule Items, the market rate of similar items or substitute items may also be compared. And after evaluation, if it is revealed that the discovered rate is unreasonably higher than the prevalent market rate / estimated cost then the DTC shall take a view on the reasonableness of the discovered rate. The DTC should mention in their MoM the nature of 'very exceptional and peculiar situation and special circumstances' for recommending discovered rate if Administratively approved sanctioned estimated cost is exceeded because of such excesses;
- v. Place the matter for approval of the appropriate authority/Department only after doing due diligence on the tenders;
- vi. Whether there was sufficient publicity given to the Tender in adequate no. of newspapers having appropriate territorial coverage and readership, Departmental Website , State Govt. e-tender Portal & Notice Boards;
- vii. Whether the EMD was received online through the e-Tender Portal;
- viii. Whether the minimum mandatory period for submission of bids as per Financial Rules was available to bidders from the date of publication in newspapers, Departmental Website (if any) and e-Tender Portal;
- ix. Whether date extension corrigendum due to non receipt of at least three bids prescribed by Finance Department was published in web portal and advertised in newspapers as per rules in the 1st call tender as well as subsequent calls as per rules;
- x. Whether the Tender Inviting Authority (TIA) has provided sufficient reasons justifying and recommending acceptance of the selected bid and finds the quoted rate reasonable;
- xi. Whether the Technical Criteria were reviewed and revised by the TIA, if necessary, before 2nd or subsequent calls of the Tender;

- xii. Whether the Eligibility Criteria like Minimum Average Turnover, Net Worth, Technical Credentials, etc did not restrict fair competition among the prospective bidders;
- xiii. Whether in case of Non-Schedule Item(s) market rates have been suitable assessed by the TIA to ascertain reasonability of quoted rate(s);
- xiv. Whether the Departmental Tender Committee after examination of the Tender documents is satisfied and considers it for recommendation for acceptance and found the quoted rate as reasonable;
- xv. Specific justifications for their recommendation / decision.
- xvi. Any other aspects and factors as required and deemed fit.


(A. Ghosh) 7.10.2021


Deputy Secretary to the
Government of West Bengal

Annexure-1: Checklist for Accepting tenders with less than 3 bids on 2nd or subsequent calls
FD Memo No. 6989-F(Y) dated 19th November, 2018

Estimated amount	
Amount put to tender	
<u>In case of First Call</u>	
Eligibility Criteria (Technical) <i>(For procurement of services under QCBS/CQCCBS methods the details of marks, weightage, etc. are to be mentioned)</i>	
Eligibility Criteria (Financial) <i>(For procurement of services under QCBS/CQCCBS methods the details of marks, weightage, etc. are to be mentioned)</i>	
<u>Details of Publications of NIT</u> Date of NIT: Minimum Period for submission of tender as per Rules: Minimum Period for submission actually allowed: No. of Newspapers where publication is to be made as per Rules: Names of Newspapers in which publicity was actually made: Whether e-Tender: Whether Earnest Money has been received online through e-Procurement Portal (wbtenders.gov.in): If Extension of dates have been done, whether: 1. The period of extension is reasonable as per rules. 2. Corrigendum Notice has been published in at least one newspaper.	 7/14/21/..... 1/2/3 Yes / No Yes / No Yes / No Yes / No
<u>No. of Bidders:</u> 1. Total no. of Bidders who responded: 2. No. of technically qualified Bidders: <i>(For procurement of services under QCBS / CQCCBS methods the details of scores are to be mentioned)</i>	
<u>In case of 2nd / Subsequent Call</u>	
<u>Whether Technical Criteria were reviewed before inviting 2nd /Subsequent Call to ensure that the eligibility criteria were not restrictive:</u> 1. If yes, whether revised or not: 2. If no, why not revised:	
Revised Eligibility Criteria (Technical) <i>(For procurement of services under QCBS/CQCCBS methods the details of marks, weightage, etc. are to be mentioned)</i>	
Revised Eligibility Criteria (Financial) <i>(For procurement of services under QCBS/CQCCBS methods the details of marks, weightage, etc. are to be mentioned)</i>	



<u>Details of Publications of NIT</u>	
Date of NIT:	
Minimum Period for submission of tender as per Rules:	7/14/21/(Any other).....
Minimum Period for submission actually allowed:	
No. of Newspapers where publication is to be made as per Rules:	1/2/3
Names of Newspapers in which publicity was actually made:	
Whether e-Tender:	Yes / No
Whether Earnest Money has been received online through e-Procurement Portal (wbtenders.gov.in):	Yes / No
If Extension of dates have been done, whether:	
1. The period of extension is reasonable as per rules.	Yes / No
2. Corrigendum Notice has been published in at least one newspaper.	Yes / No
<u>No. of Bidders:</u>	
1. Total no. of Bidders who responded:	
2. No. of technically qualified Bidders:	
<i>(For procurement of services under QCBS/QCCBS methods the details of marks, weightage, etc. are to be mentioned)</i>	
<u>Details of Financial Bids of only the technically qualified bidders</u>	
In case of lowest financial bid based tender, whether and by what % the L ₁ Bid is:	
1. Below/At par with/Beyond the amount put to tender:	
2. Below/At par with/Beyond prevalent market rates (for procurement of goods and services):	
Specific comments of TIA:	
1. Reasons justifying and recommending acceptance of L ₁ bid:	
2. Whether the quoted rate is reasonable:	
Specific recommendation of the Departmental Tender Committee:	
1. Views on the submission of TIA:	
2. Whether the quoted rate is reasonable:	
Specific recommendation of the FA regarding acceptance/re-tender:	
Acceptance of the Head of the Administrative Department / Order for Re-tender:	


 7-10-2021