

**PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA**

Sub : Pre-Tender Scrutiny of Tenders and Estimates for Procurement of Goods and Services including Construction Works – Reg.

Ref : Karnataka Transparency in Public Procurements Act, 1999 and Rules, 2000.

**PREAMBLE:**

Karnataka Transparency in Public Procurements (KTPP) Act, 1999 was enacted to provide for transparency in the tender process and to regulate the procedure in inviting, processing and accepting the tenders. Procurement Entity, as defined in Section 2(d) of the KTPP Act, has to procure Goods and Services by inviting the tenders as per Section 5 of the KTPP Act and the tenders, so invited are being processed and awarded by following the provisions of the Act, Rules and instructions issued by the Government from time to time. Now it is felt necessary to enhance this transparency to secure competition and equal opportunity to all the tenderers by having a mechanism of Pre-Tender Scrutiny of Tenders and Estimates for Procurement of Goods and Services including Construction Works before publication of the Tender.

Hence the following order.

**GOVERNMENT ORDER NO:FD 522 EXP-12/2021, BENGALURU,**

**DATED: 13<sup>th</sup> December 2021**

In view of the circumstances explained in the preamble, Government of Karnataka is pleased to undertake the Pre-Tender Scrutiny of the tenders and estimates regarding Procurement of Goods and Services including Construction Works, the value of which exceeds Rs.50.00 Crore in the following manner:

1. There shall be a Pre-Tender Scrutiny Committee headed by a retired Hon'ble High Court Judge and two other members having expertise in Engineering and Finance respectively.

2. The Government may by an order, appoint a retired Hon'ble High Court Judge and two other members having expertise in Engineering and Finance respectively for a term of two years.
3. Government may, at its own discretion, set up one or more such committees.
4. During the period of the appointment of retired Hon'ble High Court Judge, if there arises a vacancy due to the resignation or any other reason, the Government may, within one month appoint another retired Hon'ble High Court Judge to carry out the functions of the Pre-Tender Scrutiny Committee.
5. The Government shall provide required employees/staff and other facilities to the Pre-Tender Scrutiny Committee for the expeditious discharge of its functions.
6. The Terms and Conditions for the functioning of the Pre-Tender Scrutiny Committee are as below:
  - i. The Pre-Tender Scrutiny Committee, so constituted as above, shall scrutinize the tenders and estimates prepared for procurement of Goods and Services including Construction Works exceeding Rs.50 crore in value, for which the provisions of the KTPP Act are applicable.
  - ii. The tenders and estimates of the procurements exceeding Rs.50.00 crore shall be examined by the Pre-Tender Scrutiny Committee before they are published to ensure that they are in conformity with the provisions of KTPP Act, Rules, procedures and guidelines prescribed by the Government.
  - iii. The Pre-Tender Scrutiny Committee shall further verify that the tender related documents are just, equitable, transparent and provide for equal opportunity and contain the suitable provisions for protection of the interest of the Procurement Entity.

- iv. The Tender Accepting Authority shall cause to submit the copy of the tenders, estimates and other related documents to the Pre-Tender Scrutiny Committee immediately after the Administrative Approval and Technical Sanction.
- v. The Pre-Tender Scrutiny Committee if required, may call for the necessary documents and records related to the procurement. The Tender Accepting Authority shall cause to provide such records to ensure that the Pre-Tender Scrutiny of tenders and estimates can be conducted in a smooth and expeditious manner.
- vi. The Pre-Tender Scrutiny Committee shall cause the documents as submitted in para (iv) above to be published on Karnataka Public Procurement Portal for seven days and invite the suggestions from the Public.
- vii. The Pre-Tender Scrutiny Committee shall scrutinize the tenders and estimates and consolidate the suggestions so received from the public and give their recommendations to the Tender Accepting Authority within 30 days from the date of receipt of the document.
- viii. The Tender Accepting Authority shall consider the recommendations so received as per para (vii) above and make modifications to the tender documents. In case, any of the recommendations of the Committee cannot be accepted, then Tender Accepting Authority should give reasons to be recorded in writing and intimate the same to the committee. But no modifications in the provisions of the Standard Tender Documents shall be made without the approval of the Government.
- ix. Centre for e-Governance, DPAR (e-Governance) shall make necessary modifications in the Karnataka Public Procurement Portal for displaying the tenders, estimates and other related documents by the Pre-Tender Scrutiny Committee and for receiving the suggestions from the public.

- x. Government shall, by an order, fix the consolidated remuneration for the retired Hon'ble High Court Judge and members of the Pre Tender Scrutiny committee from time to time.
- (7) All the Procurement Entities as defined under Section 2(d) of KTPP Act are hereby directed to follow the above instructions scrupulously in respect of procurements for which the provisions of the KTPP Act are applicable. It may be noted that any violation of KTPP Act, 1999 and Rules, 2000 attracts the Penal Provisions under Section 23 of the Act.
- (8) This order will apply for the procurements from the date notified by the Government separately.

By order and in the name of

Governor of Karnataka



**(SHREEKRISHNA N. BUGATYAGOL)**

Special Officer (ZP) and Ex-Officio

Joint Secretary to Government

Finance Department

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7. The Secretary, Karnataka Public Services Commission, Bengaluru.
8. The Joint Secretary to Government of Karnataka, Cabinet Section (On Cabinet Decision vide Subject Case No:445/2021, dated:08.11.2021).
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