

NO. PWD/33/FC-III/2001 Bangalore: Dated: 21st March 2001

CIRCULAR

Sub: Clarifications regarding Karnataka Transparency In public Procurement Act, 1999 and Rules, 2000-reg.

The departments are already aware of KTPP Act, 1999 and Rules, 2000 issued in this behalf. Some of the Deputy Commissioners and Departments have sought clarification on some issues. Accordingly following clarifications are brought to notice of all the concerned.

1) Regarding printing of Tender Bulletin.

It shall be printed like a booklet covering the information as mentioned in Rule 7 & 8 and it should be distributed as per Rule 5. It need not be printed either in the Gazette or in News paper. It shall be printed by the tender bulletin officer other through Govt. Printing Press or in Private Press after following procedures/rules as applicable.

2) Publication of tender bulletin.

Tender bulletin shall be published at least once in every week. In case of urgency an extraordinary bulletin shall be published after following procedures as per sub rule (4) of Rule 4. If in a particular week there is no information to publish in the tender bulletin, then a 'Nil' report be published and circulated.

3) Content of the Tender bulletin.

The tender notice as per Rule 9 published by each tender inviting authority shall be printed in the bulletin as it is. Further tender bulletin shall also contain information as given by the Tender Inviting/Accepting authority as it is as per Rule 8 and Sec. 8 of the Act As per Sec. 8 of the Act, the Tender Bulletin Officer after receipt of notice of Acceptance of tender under Sec. 13 of the Act or Rejection of tender, under Sec. 14 of the Act shall be publish in the bulletin. So part-A of the bulletin shall contain tender inviting notices, part-B should contain order relating to tender acceptance and Part-C shall contain orders relating to general rejection of tender.

4) Budget provision for printing of Tender Bulletin and fixing cost of it.

govt. will make separate provision for tender bulletin expenditure Cost of the bulletin should be fixed at Rs.1.00 per page and total cost per copy depends upon the total page of the bulletin.

5) Procedures to be followed for purchases below Rs.5 lakhs by Govt. Depts. and below Rs.2 lakhs for water supply and school buildings and below Rs.1 lakh for other works by the local bodies.

Any procuremen of goods and services below Rs.5 lakhs in case of govt. Dept. and below Rs.2 lakhs in case of water supply and school buildings and below Rs. 1 lakh for other works incase of local bodies shall be followed as per existing applicable Rules/Proceudres/Codes of the Dept, as followed earlier to the Act as mentioned in Sec.26 of the Act. How ever following tender procedure is not banned for procurement below the above monitory limit.

- 6) Procurement of goods and services from Govt. Depts., Public Sector Undertakings, Boards, Corporations

For any procurement through Public sector Undertaking, exemption for 2 years from the date of publication of this Act is applicable as per Sec. 4(d) of the Act. It should be ensured that such Undertaking manufactures the particular goods or render the service without subletting to any other private agency. For example KSIMC is not a manufacturing unit., Therefore, the above exemption clause does not apply to it. Public Sector Undertakings include not only state but also Central Public Sector Undertakings.

- 7) Procurement of goods from DGSD firms and rate contract fixed by SPD. Under Sec. 4(f) exemption is available if procurement is through DGSD firms and rate contract fixed by SPD.

- 8) Application of KTPP Act/Rules in case of MPLAD Scheme.

Under the guidelines of MPLAD, the existing Procedures/Rules of the State have to be followed. Therefore, for any work taken up beyond the monetary limit of Rs. 5 lakhs in case of Govt. Dept. and Rs.1 lakh in case of other works and Rs. 2 lakhs in case of water supply and school buildings by ZPs/Local bodies, this Act and Rules are applicable until any change in system.

- 9) Application of KTPP Act/Rules in case of other Centrally Sponsored Schemes, like Swarna Jayanti Scheme, Shahari rojagar Yojana, Udyoga Bharavase Yojana etc.

If in the guidelines of the scheme itself entrustment of work to contractors is banned then the KTPP Act/Rules does not apply. Otherwise it has to be followed.

- 10) Publication of Extraordinary Tender Bulletin in case of emergency.

Under Sub-rule (4) of Rule 4 it is indicated that the D.C. himself may record in writing the reasons for such extra ordinary bulletin and issue the same. In case of State tender bulletin, approval of the concerned Secretary to Govt. is required.

All the Secretaries to Govt. and Departmental heads are once again requested to direct the procurement entities under their control to follow the KTPP Act, 1999 and KTPP, Rules, 2000 scrupulously. Anybody violating the provisions of the Act and Rules is liable for penalty as per sec 23 of the Act.

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