



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)
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December 02, 2013

NHAI/CMC/Misc./2013

CIRCULAR

Sub: **Guidelines for introduction of a provision in the bidding document so as to enable a bidder to question the bidding condition, bidding process and/or rejection of its bid and also to disclose mandatorily the reasons for rejection of tender irrespective of whether the enquiries have been made or not.**

Guidelines on the above subject as received from MoRT&H vide letter No. NH-15017/39/2013-P&M dated 14th November, 2013 is enclosed herewith for information and necessary action by all concerned.

This issues with the approval of Competent Authority.


(R.B.Sinha)

General Manager (CMC)

Encl: As above

To,

All officers and employees of HQ/ROs/PIU/CMUs/Site Offices

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o/c
8884/LX1/13
22/11/13

No. NH-15017/39/2013-P&M
Government of India
Ministry Road Transport & Highways
(P&M Section)

Transport Bhawan,
No. 1, Parliament Street,
New Delhi, dated the 14th November, 2013

To

- (i) The Secretaries, PWD of all States/UTs
(ii) The Chief Engineers of all States/UTs, PWD
(iii) Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-10
(iv) Chairman, NHAI

Subject:-

Guidelines for introduction of a provision in the bidding document so as to enable a bidder to question the bidding condition, bidding process and/or rejection of its bid and also to disclose mandatorily the reasons for rejection of tender irrespective of whether the enquiries have been made or not.

There are many instances wherein tenders are either rejected or tender documents are not issued and reasons for the same are not communicated to them which lead to unnecessary litigation.

2. In this context it is mentioned that procurements made by the Central Government are regulated by the General Financial Rules (GFRs), 2005 and manuals and procedures issued thereunder. While chapter 6 of the GFRs contains the general rules applicable to all Ministries/Departments regarding procurement of goods required for use in public service, detailed instructions relating to procurement of goods are required to be issued by the procuring departments. These instructions need to be broadly in conformity with the general rules contained in this Chapter. Further, in terms of Rule 137 of GFRs, 2005, every authority delegated with the financial powers of procuring goods in public interest shall have the responsibility and accountability to bring transparency in matters relating to public procurement and for fair and equitable treatment of suppliers and promotion of competition in public procurement. Rule 160 of the GFRs lists out certain measures required to be taken to ensure that all Government purchases are made in a transparent manner. Rule 160 (ii) of the GFRs stipulates that suitable provisions in the bidding document should be made to enable a bidder to question the bidding conditions, bidding process and/or rejection of its bid.

3. In this regard it is further mentioned that Central Vigilance Commission vide its Office Order number 72/12/04 dated 10.12.2004 has advised to frame a policy regarding intimation of rejection to the firms whose bids have been evaluated but found not to meet the qualification criteria.

4. In light of the above it has been decided to mandatorily disclose the reasons for rejecting a tender or non-issuing a tender document to a prospective bidder irrespective of whether the enquiries have been made or not. Further, details of the successful bidder will also be made available on the website of the Ministry.

5. These Instructions shall apply for all procurements i.e. services, goods and contract at all stages i.e. RFQ as well as RFP.

Yours faithfully,

(Ramendra Pratap Shukla)

Under Secretary to the Government of India

Tel. No. 23753990

Copy to:-

- (i) All Chief Engineers in M/o RT&H
(ii) All Regional Officers in M/o RT&H