



Government of India
Ministry of Road Transport & Highways
Transport Bhawan
(EAP) Zone

1, Parliament Street
New Delhi- 110 001

No.RW/NH-24035/4/2008-P&M/PIC-EAP

Dated the 25th April, 2017

To,
The Director General (Border Roads),
Seema Sadak Bhawan,
Ring Road, New Delhi-110010

Subject: Guidelines regarding procedures to be adopted for Invitation of tenders and qualification of Contractors for execution of Road and Bridge works on National Highways and Centrally Financed Schemes (for NH works being funded by the Ministry of Road Transport & Highways and BRO as implementing agency).

Sir,

This is to inform that the following Guidelines/ procedures may be adopted for invitation of tenders and qualification of Contractors for execution of Road & Bridge works on National Highways being funded by Ministry of Road Transport & Highways and implemented by BRO. For these cases, the exemption accorded to BRO vide Ministry's circular No. RW/NH-24035/4/2008-P&M/PIC-EAP dated 11.01.2017 will not apply:

- (i) For works with sanctioned cost of civil works up to Rs. 5 crores tenders may be invited and finalized by the BRO.
- (ii) For works with sanctioned cost of civil works more than Rs. 5 crores to Rs. 300 crores tenders may be invited by the BRO using the requisite bidding document and procedure as per Ministry's extant guidelines. For works with sanctioned cost of civil works more than Rs. 300 crores, tenders will be invited by MoRTH.
- (iii) All the tenders are to be invited through e-procurement as per the Guidelines for "Implementation of comprehensive end-to-end e-procurement" issued by Dept. of Expenditure vide OM No. 10/3/2012-PPC dated 09.01.2014 (Annexure-I). All E-tenders should mandatory through MoRTH prescribed facility. The same should be ensured by the Chairman of the Evaluation/Screening Committee. Further, all the tender related reply to queries, Corrigendum and details of awards should be published on the Central Procurement Portal (CPP) using e-publishing mode as per OM No. 68(43)/PF-II/2014 of Department of Expenditure dated 08.09.2014 (Annexure-II).

(iv) Opening and Evaluation of Bids for works with sanctioned cost of civil works more than Rs. 5 crores shall be done by the Evaluation Committee as mentioned below:

(A) Works having sanctioned cost of civil works more than Rs. 5 crores and up to Rs. 100 crores:

1.	Chief Engineer from BRO	Chairman
2.	DCDA/ACDA level officer of Finance Wing posted with BRO.	Member
3.	Regional Officer, SE/ELO of MoRTH dealing with the State/work nominated by the CE dealing with the State/work	Member
4.	Superintending Engineer from BRO	Member
5.	Executive Engineer from BRO	Member Secretary

The Authority to accept bids, which are within 5% of tender premium, based on the recommendation of the Evaluation Committee mentioned in para 2 (iv)-(A) and for carrying out all the necessary contractual formalities leading up to signing of the contract agreement in a time bound manner shall be DGBR.

(B) Works having sanctioned cost of civil works more than Rs. 100 crores and up to Rs. 300 crores:

Opening and evaluation of bids shall be done by the Evaluation Committee having the same composition as mentioned in Para 2 (iv)-(A). The evaluated bids shall then be examined by a Screening Committee having the following composition:

1.	Chief Engineer (MoRTH) dealing with the State/work	Chairman
2.	Chief Engineer from BRO	Member
3.	Superintending Engineer (MoRTH) nominated from any other zone.	Member
4.	Representative of Finance Wing (MoRTH)	Member
5.	Superintending Engineer (MoRTH) dealing with the State/work.	Member Secretary

In case, the Screening Committee agrees with the recommendations of the BRO Level Evaluation Committee, the recommendations will be accepted by the Chief Engineer (MoRTH)/ Chairman of the Screening Committee. In case of differences in the recommendations of the Screening Committee with the recommendations of the BRO Level Evaluation committee, the competent authority in Ministry to accept the bids based on recommendations of Screening Committee concerned ADG/DG(RD)&SS as per the extant order of work allocations issued from time to time.

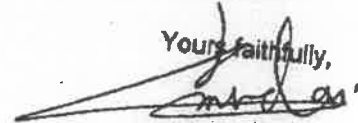
(C) Works having sanctioned cost of civil works more than Rs. 300 crores:

Opening and evaluation of bids shall be done by the Evaluation Committee having the same composition as the Screening Committee mentioned in Para 2 (iv)-(B). The competent authority in Ministry to accept the bids based on the recommendations of Evaluation Committee for the works with sanctioned cost more than Rs. 300 crores upto Rs. 500 crores will be the concerned ADG/DG(RD)&SS as per the extant order of work allocations issued from time to time, but for sanction cost beyond Rs. 500 crores, the competent authority will be Minister (RT&H).

(v) In all cases where the tender premium is within 5% and sanctioned cost of the civil work is upto Rs. 300 crores, Letter of Acceptance/Award (LOA) should be issued by the Chief

Engineer of BRO within period of 10 (ten) days from the receipt of recommendation of Evaluation Committee/Screening Committee. A report should be sent to the concerned Chief Engineer, MoRTH after issue of LOA. Thereafter, signing of contract agreement shall be done by the Chief Engineer of BRO within prescribed time as per RFP.

- (vi) In all cases where the tender premium is within 5% and sanctioned cost of the civil work is more than Rs. 300 crores, Letter of Acceptance/Award (LOA) should be issued by the concerned Chief Engineer (MoRTH) and signing of contract agreement shall be done by the Chief Engineer of BRO within prescribed time as per RFP.
 - (vii) In case the issue of LOA and signing of the contract, as mentioned in para (v) & (vi) above is not executed by the BRO, MoRTH reserves the right to do same through its concerned Chief Engineer dealing with the State/work.
 - (viii) The authority competent to accept the bids in the BRO shall not accept any bid in supersession of the recommendation of the Evaluation Committee or the Screening Committee, as the case may be. In case such an occasion arises, where recommendations of the Committee are not found acceptable, the matter shall be referred to the Ministry duly citing the reasons for non-acceptance and with full justification; but within the prescribed time of 10 days.
 - (ix) The delegation of powers for acceptance of bids beyond 5% of tender premium in all cases shall be governed by the extant guidelines issued from time to time.
2. It is also informed that Ministry's letter no. NH-24035/4/2008-P&MPIC-EAP dtd. 11.01.2017 (copy enclosed) would be applicable on the projects being implemented by BRO and which are funded by Ministry of Defence (MoD).
 3. The content of this letter shall be brought to the notice of all concerned for compliance.

Yours faithfully,

(Khushal Chand)
Superintending Engineer (EAP)
For Director General(RD)&SS

- Copy To:**
1. All Technical Officers at the Headquarters
 2. Secretary General, Indian Roads Congress
 3. Director, IAHE, NOIDA
 4. All ROs and ELOs of MoRT&H.

- Copy for information to:**
1. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA & JS(EAP).
 2. NIC- with the request to upload in the Ministry's portal

No. 10/3/2012-PFC
 Ministry of Finance
 Department of Expenditure
 Procurement Policy Division

North Block, New Delhi
 Dated the 9th January, 2014.

OFFICE MEMORANDUM

Subject: Implementation of comprehensive end-to-end e-procurement

This has reference to this Department's O.M. of even number dated 30th March 2012 vide which it was conveyed that the Ministries/Departments of the Central Government, their attached and subordinate offices would need to commence e-procurement in respect of all procurements with estimated value of Rs.10 lakh or more in a phased manner as per the prescribed schedule. In this regard an option was given to the procuring entities either to use the e-procurement solution developed by NIC accessible through Central Public Procurement Portal (CPP Portal) or to continue to carry out e-procurement through other service providers/other e-procurement solutions developed in-house, provided the conditions/guidelines envisaged in the O.M. referred to above are fulfilled.

2. In this context it is highlighted that, the Prime Minister's Committee on National e-Governance Plan (NeGP) during its second meeting held on 1st July 2013 has an endorsed DoT proposal that e-Procurement should be adopted both for publication and processing of tenders above a prescribed cut of value. The need to mandate all Ministries/Departments to adopt end to end e-Procurement was also emphasized in the meeting of the Apex Committee on NeGP held on 5th November 2013.

3. In pursuance of the decision taken during the above meetings to promote e-Procurement further and to ensure maximum participation of tenders through e-Procurement mode, it has been decided that the tender value limit of Rs. 10 lakh set in respect of e-Procurement be brought down to Rs. 5 lakh w.e.f 01.04.2015 and further down to Rs 2 lakh w.e.f 01.04.2016. Ministries/Departments are therefore requested to ensure and follow the limits which have now been decided in respect of mandatory publishing of tenders through e-Procurement mode.

4. Ministries / Departments are therefore requested to take necessary action to ensure that all tenders above Rs.10 lakh are compulsorily processed through e-Procurement as per the instruction already issued by this Department vide above OM. A report in the following format in this respect is now to be intimated on a quarterly basis to the Ministry of Finance, Department of Expenditure at the email id dppe@mf.f.

Number of Tenders floated amounting to Rs. 10 lakh or more	Name of the Ministry/Department		Number of Tenders exempted due to National security and strategic Considerations demanding confidentiality	Cases of Non-compliance with reasons
	Period of Report	to		
Total	Total	Total	Total	Total

Contd.

5. In this context it is further reiterated that:
- i. Ministries / Departments using other than NIC e-Procurement solution have to ensure that details of all their tender enquiries, related corrigenda and details of contracts awarded thereon, through e-Procurement are simultaneously published / mirrored on the CPP Portal using XML facility of NIC.
 - ii. Ministries / Departments that have not yet appointed Nodal officers and have not got User IDs and Passwords issued from NIC for accessing the portal may please ensure that the Nodal officers are appointed immediately. Action may also be taken to start acquiring Digital Signatures from NIC Certifying Authority or any other Certifying Authority, being an essential requirement for e-procurement.
 - iii. Ministries / Departments must also tie up with NIC for training and support where e-Procurement solution developed by NIC is adopted and a need in this regard is being felt by sending an e-mail to cppc-nic@nic.in. NIC is periodically organizing training programmes on their e-Procurement Module. Action may be taken to nominate representatives to attend the ongoing training programs as per schedule published on the CPP Portal.
6. It is also requested that necessary instructions in this regard may be issued to all attached and subordinate officers under your administrative control.
7. Hindi version of this O.M. will follow.

AS
A-1-14
(Savitri Aggarwal)
Director (PPD)
Tel No. 2368496 (10)

To

- (i) Secretaries of all Ministries/Departments of the Government of India.
- (ii) FAs of all Ministries/Departments of the Government of India.
- (iii) DG (NIC), CGO Complex, New Delhi.

This OM is also available on our website <http://finmin.nic.in>

Office of A. S. A. 22/9/2014
11/9/2014

No.66 (43)/PF-II/2014
Ministry of Finance
Department of Expenditure
(Plan Finance-II Division)

New Delhi, 8th September, 2014

OFFICE MEMORANDUM

Subject: Mandatory publication of tender enquiries as well as detail of bid awards on Central Procurement Portal (CPP).

Attention is invited to this Department O.M. No.10/1/2011-PPC dated 30th November, 2011, wherein it was mandatory for all Ministries/Departments of the Central Government, their attached and subordinate offices, Central Public Sector Enterprises (CPSEs) and autonomous/ statutory bodies to publish their tender enquiries, corrigenda thereon and details of bid awards on the Central Procurement Portal (CPP) using e-publishing mode.

2 It has been ascertained from NIC, that at present very few purchasing entities are putting up details of bid award on CPP.

3. It is reiterated that all purchasing entities under your control be directed to publish details of the bid award on CP portal. A compliance report in this regard may please be furnished by all Departments/Ministries incorporating details of all attached/subordinates offices, CPSEs, autonomous bodies etc. under your control by 30.9.2014.

8.9.14
(Sanjay Aggarwal)
Director (PPD)

To
Secretaries all Ministries/ Departments

Copy to FAs all Ministries/ Departments

Handwritten notes: 15/9, n meeting, US CDK, and a signature.

**Government of India
Ministry of Road Transport & Highways
(EAP Zone)**

Transport Bhawan, 1- Parliament Street, New Delhi-110 001

No.RW/NH-24035/4/2008-P&M/PIC-EAP

Dated the 11th January, 2017

To,

The Director General (Border Roads),
Seema Sadak Bhawan,
Ring Road, New Delhi-110010

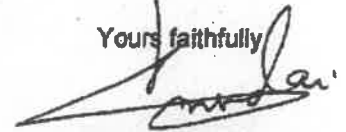
Subject: Guidelines regarding procedures to be adopted for invitation of tenders and qualification of Contractors for execution of Road and Bridge works on National Highways and Centrally Financed Schemes.

**Ref: (i) Ministry's letter No. NH-24035/4/2008-P&MIPIC -EAP dated 31.03.2016
(ii) Ministry's letter No. NH-24035/4/2008-P&MIPIC -EAP dated 22.08.2016
(iii) Ministry's letter No. NH-24035/4/2008-P&MIPIC -EAP dated 31.10.2016**

Sir,

This is to bring to your kind notice that the above referred Circulars are not applicable on the works being taken up by the Border Road Organization (BRO). Border Road Organization (BRO) is requested to prepare its own guidelines for invitation of tenders and qualification of Contractors.

Yours faithfully



(Khushal Chand)
Superintending Engineer (EAP)
For DG(RD)&SS

Copy To:

1. All Technical Officers at the Headquarters
2. Secretary General, Indian Roads Congress
3. Director, IAHE, NOIDA
4. All ROs and ELOs of MoRT&H.

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1. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA, PS to ADG I/II,III, PS to Coordinator I.
2. NIC- with the request to upload in the Ministry's portal