

Government of Orissa

Works Department

Office Memorandum



File No. FA-R- 3/08

1027

W, Dated.

24-1-09

Sub: - Guidelines/Procedure to be followed in introduction of e-Procurement in Government of Orissa.

1. This office memorandum consists of the procedural requirement of e-procurement and shall be made part of the Detailed Tender Call Notice or Instruction to Bidder for all "works" tenders hosted in the portal.
2. The e-Procurement portal of the Government of Orissa is "<https://tendersorissa.gov.in>".
3. Use of valid Digital Signature Certificate of appropriate class(Class II or Class III) issued from a registered Certifying Authority(CA) as stipulated by Controller of Certifying Authorities (CCA), Government of India such as n-Code, Sify, TCS, MTNL, e-Mudhra etc is mandatory for all users.
4. The DSC issued to the Department users is valid for the period of two years only. All the Department users are responsible to revalidate their DSC prior to expiry.
5. For all purpose, the server time displayed in the e-procurement portal shall be the time to be followed by all the users.
6. Government after careful consideration has decided to host all tenders costing 20 lakhs or above in the e-procurement portal. This will be applicable across all Engineering Departments such as Works Department, Department of Water Resources, Rural Development and Housing & urban Development Department. Government of Orissa also welcomes hosting of tenders by any other departments, authority, corporations, local bodies etc of the State with prior approval from Information Technology Department.
7. The e-procurement shall be operated compliant to relevant provisions of OGFR/ OPWD code/ Accounts code/ Government statutes including any amendments brought from time to time to suit to the requirement of the best national practice.
8. Registration in the e-procurement portal is without levy of any charges but Government reserves the right to levy any charges for such value added services in future.

9. Contractors not registered with Government of Orissa, can participate in the e-procurement after necessary enrollment in the portal but have to subsequently register themselves with the appropriate registering authority of the State Government before award of the work as per prevalent registration norms of the State.
10. For the role management "Department:" is the Administrative Department, Organisation or wing is the Chief Engineer or highest tender accepting authority or equivalent officer under the Administrative Department, Circle is the Superintending Engineer or equivalent officer, Division is the Executive Engineer or equivalent Officer and Subdivision is the Assistant Engineer or equivalent officer.
11. The e-procurement software assigns role for operation of the module for specific function. The terminologies used in the Portal and their respective functions in the software are as follows.
 - a. Application Administrator: (NIC and State Procurement Cell)
 - i. Master Management
 - ii. Nodal officer Creation
 - iii. Report Generation
 - iv. Transfer and blocking of Officers
 - b. Nodal Officer (At organization Level not below the Superintending Engineer or equivalent rank)
 - i. Creation of Users
 - ii. Role Assignment
 - iii. Transfers and blocking of Officers
 - c. Procurement Officer- Publisher (Officer having Tender inviting power at any level)
 - i. Publishing of Tender
 - ii. Publishing of Corrigendum / addendum/cancellation of Tender
 - iii. Bid Clarification
 - iv. Uploading of Pre-Bid Minutes
 - v. Report generation
 - d. Procurement Officer- Administrator: (generally Sub-ordinate officer to Officer Inviting the Tender)
 - i. Creation of Tender
 - ii. Creation of corrigendum/addendum/cancellation of Tender
 - iii. Report generation

- e. Procurement Officer- Opener (generally Sub-ordinate officer to Officer Inviting the Tender)
 - i. Opening of Bid
- f. Procurement Officer- Evaluator (generally Sub-ordinate officer to Officer Inviting the Tender)
 - i. Evaluating Bid
- g. Procurement Officer- Auditor (Procurement Officer- Publisher and/or Accounts Officer/ Finance Officer)
 - i. To take up auditing

12. NOTICE INVITING BIDS (NIB) OR INVITATION FOR BID(IFB):

- a. The Notice Inviting Bids (NIB) and Bid documents etc., shall be in the Standard formats as applicable to conventional Bids and will be finalized / approved by the officers competent as in the case of conventional Bids.
- b. The officers competent to publish NIB in case of conventional Bids will host the NIB in the portal. Simultaneously, a notification should also be published in the newspapers, as per existing rules preferably, in the following format, to effect economy:-

<p>Government of Orissa "e" procurement Notice</p> <p>Bid Identification No.: _____</p>
1. Name of the work: _____
2. Estimated cost: Rs _____
3. Period of completion: _____
4. Date & Time of availability of bid document in the portal: _____
5. Last date / Time for receipt of bids in the portal: _____
6. Name and address of the Officer Inviting Bid: _____
Further details can be seen from the e-procurement portal " https://tendersorissa.gov.in "

- c. All the volumes/documents shall be uploaded in the portal by the Procurement Officer Administrator and published by Procurement Officer Publisher (Officer Inviting tender) using their DSCs in appropriate format so that the document is not tampered with.
- d. The tender documents published by the Tender Inviting Officer (Procurement Officer Publisher) in the website "<https://tendersorissa.gov.in>" will appear in the "Latest

Active Tenders". The Bidders/ Guest Users can download the Bid documents only after the due date & time of sale. The publication of the tender will be for specific period of time till the last date of submission of bids as mentioned in the 'Notice Inviting Bid' after which the same will be removed from the list of Latest Active tenders.

3. ISSUE OF ADDENDA/CORRIGENDA/CANCELLATION NOTICE

- a. The Procurement Officer Publisher (Officer inviting tender) shall publish any addendum/corrigendum/cancellation of tender in the website "<https://tendersorissa.gov.in>", notice board and through paper publication and such notice shall form part of the bidding documents.
- b. The System shall generate a mail to those bidders who have already uploaded their tenders and those bidders if they wish, can modify their tender.

14. PARTICIPATION IN BID

- a. **PORTAL REGISTRATION:** The Contractor/Bidder intending to participate in the bid is required to register in the Portal using his/her active personal/official e-mail ID as his/her Login ID and attach his/her valid Digital signature certificate (DSC) to his/her unique Login ID, He/She will enter relevant information as asked for about the firm/Contractor. This is a onetime activity for registering in Portal.
 - i. Bidders participating through Joint Venture shall declare the authorised signatory through Memorandum of Understanding duly registered and enrol in the portal in the name and style of the Joint venture Company. It is mandatory that the DSC issued in the name of the authorised signatory is used in the portal.
 - ii. Any third party/company/person under a service contract for operation of e-procurement system in the State or his/their subsidiaries or their parent companies shall be ineligible to participate in the procurement processes that are undertaken through the e-procurement system irrespective of who operates the system.
- b. **LOGGING TO THE PORTAL:** The Contractor/Bidder is required to type his/her Login ID and password. The system will again ask to select the DSC and confirm it with the password of DSC as a second stage authentication. For each login, a user's DSC will be validated against its date of validity and also against the Certificate Revocation List (CRL) of respective CA stored in system database. The system checks the unique

Login ID, password & DSC combination and authenticates the login process for use of portal.

- c. **DOWNLOADING OF BID:** The bidder can download the tender of his choice and save it in his system to undertake necessary preparatory work off-line and upload the completed tender at his convenience before the closing date and time of submission.
- d. **CLARIFICATION ON BID:** The bidder may ask question online in the e-procurement portal using his/her DSC; provided the questions are raised within the period of seeking clarification as mentioned in tender call notice/Bid. The Officer inviting the bid / Procurement Officer-Publisher will clarify queries related to the tender.
- e. **PREPARATION OF BID:**
 - i. The bids may consist of general arrangements drawings or typical or any other drawings relevant to the work for which bid has been invited. Bidder may download these drawings and take out the print for detail study and preparation of his bid. Any other drawings and documents pertaining to the works available with the Officer Inviting the Bid will be open for inspection by the bidders.
 - ii. The Bidder shall go through the Bid carefully and list the documents those are asked for submission. He shall prepare all documents including cost of Bid Document, Bid Security, Declaration form, price bid etc and store in the system.
- f. **PAYMENT OF EMD/BID SECURITY AND COST OF BID DOCUMENTS:**
 - i. The Bidder shall furnish, as part of his Bid, a Bid security for the amount mentioned under NIT/Contract Data. The bidder shall scan all the written /printed pages of the bid security and upload the same in portable document format (PDF) to the system in designated place of the technical BID. Furnishing scanned copy of such documents is mandatory otherwise his/her bid shall be declared as non-responsive and liable for rejection.
 - ii. The EMD or Bid Security payable along with the bid is 1% of the estimated contract value (ECV) or as mentioned in the bid document. The validity period of the EMD or Bid Security shall be as mentioned in the bid document. Any bid not accompanied by an acceptable Bid Security and not secured as indicated in the bid document shall be rejected as non-responsive. The bid security shall be retained till such time the successful bidder furnishes Initial Security Deposit (ISD) or Performance security acceptable to the Officer inviting the Bid. Failure of the successful Bidder to comply with the requirements shall constitute sufficient

grounds for cancellation of the award and forfeiture of the Bid Security. The Bid security in the form of FD / BG shall be from a Nationalized Bank valid for a period of 45 days beyond the validity of the bid. Bid security in other form is acceptable if the bid documents provides for it.

- iii. The Fixed Deposit / Bank Guarantee or any other form as mentioned in detailed tender call notice in respect of Earnest Money Deposit / Bid Security and the Bank Draft in respect of cost of Bid are to be scanned and up loaded in portable document format (PDF) along with the bid.
- iv. The bidder shall provide the cost of bid and the Bid security in a sealed cover superscripting the name of the work for which the instruments are intended and the Officer Inviting the Bid. He/she is not required to write his/her name on the cover. The original FD/BG/BD shall be physically produced before the Officer Inviting the Bid or the concerned Division/ Circle/ Chief Engineer before the specified period mentioned in the bid; which in no case shall be less than three days excluding the last date of submission and opening of bids (Technical cover opening in case of Double Cover System). The bidder is also allowed to submit the original FD/BG/BD by Registered post/ Speed post or any other delivery system before the last date & time of opening of tender.
- v. The Officers authorized by the Procurement Officer-Publisher (Officer Inviting Tender) shall transmit the sealed envelopes carefully to the Procurement Officer-Publisher prior to opening of the Bid. The Procurement Officer-Publisher shall provide signed receipt with date and time for having received the number of sealed envelopes.
- vi. The Procurement Officer-Publisher (Officer inviting the Tender) or other concerned officers authorized to receive the original Bid security and Bid cost on behalf of the Procurement Officer-Publisher shall not be responsible for any postal delay and/or non-receipt of the original copy of the bid security on or before specified date and time. Non-submission of bid security within the designated period shall debar the bidder from participating in the on-line bidding system and his portal registration shall be blocked. His name shall also be informed to the registering authority for cancellation of his registration as Contractor.
- vii. Contractor exempted from payment of EMD will be able to participate in the tender directly by uploading documentary evidences towards his eligibility for

such exemption.

- viii. Government of Orissa has been actively considering integrating e-payment gateway in to the portal for payment of Cost of Bid and Bid Security/ Earnest Money Deposit. The process of using e-payment gateway shall be issued separately after it is established.

5. SUBMISSION OF BID:

- a. The bidder shall carefully go through the tender and prepare the required documents. The Bid shall have a Technical Bid & a Financial Bid. The Technical Bid generally consist of cost of Bid documents, EMD / Bid Security, VAT, PAN/TIN, Registration Certificate, Affidavits, Profit Loss statement, Joint venture agreement, List of similar nature works, work in hand, list of machineries, and any other information required by OIT. The Financial Bid shall consist of the Bill of Quantities (BOQ) and any other price related information/undertaking including rebates.
- b. The Protected Bill of Quantities (BOQ) uploaded by the Procurement Officer-Publisher for the Bid is the authentic BOQ. Any alteration or deletion or manipulation in BOQ shall lead to cancellation of Bid.
- c. The Bidder shall up load the scanned copy/copies of document in support of eligibility criteria and qualification information in prescribed format in Portable Document Format (PDF) to the portal in the designated locations of Technical Bid.
- d. The bidder shall write his name in the space provided in the specified location in the Protected Bill of Quantities (BOQ) published by the Officer Inviting Tender. The bidder shall type rates in figure only in the rate column of respective item(s) with out leaving any blank cell in the rate column in case of item rate tender and type percentage excess or less up to one decimal place only in case of percentage rate tender.
- e. The bidder shall log on to the portal with his/her DSC and move to the desired tender for uploading the documents in appropriate place one by one simultaneously checking the documents.
 - i. Bids can not be submitted after due date and time. The bids once submitted can not be viewed, retrieved or corrected. The Bidder should ensure correctness of the bid prior to uploading and take print out of the system generated summary of submission to confirm successful uploading of bid. The bids can not be opened even by the OIT or the Procurement Officer-Publisher/opener before the due date and time of opening.

- ii. Each process in the e-procurement is time stamped and the system can detect the time of log in of each user including the Bidder.
 - iii. The Bidder should ensure clarity/legibility of the document uploaded by him to the portal.
 - iv. The system shall require all the mandatory forms and fields filled up by the contractor during the process of submission of the bid/tender.
 - v. The bidder should check the system generated confirmation statement on the status of the submission.
 - vi. The Bidder should upload sufficiently ahead of the bid closure time to avoid traffic rush and failure in the network.
 - vii. The Tender inviting Officer is not responsible for any failure, malfunction, or breakdown of the electronic system used during the e-procurement process.
 - viii. The Bidder is required to up load documents related to his eligibility criteria and qualification information and Bill of Quantities duly filled in. It is not necessary for the part of the Bidder to up-load the drawings and other Bid documents (after signing) while up-loading his bid. It is assumed that the bidder has referred all the drawings and documents uploaded by the Officer Inviting the Bid.
 - ix. Seeking any revision of rates or backing out of the bid claiming for not having referred to any or all documents provided in the Bid by the Officer Inviting the Bid will be construed as plea to disrupt the bidding process and in such cases the bid security shall be forfeited.
 - x. The bidder will not be able to submit his bid after expiry of the date and time of submission of Bid(server time). The date & time of bid submission shall remain unaltered even if the specified date for the submission of bids declared as a holiday for the Officer inviting the Bid.
- f. **SIGNING OF BID:** The 'online bidder' shall digitally sign on all statements, documents, certificates, uploaded by him, owning responsibility for their correctness / authenticity as per IT ACT 2000. If any of the information furnished by the bidder is found to be false / fabricated / bogus, his EMD / Bid security shall stand forfeited and the bidder is liable to be blacklisted.

16. SECURITY OF BID SUBMISSION:

- a. All bid uploaded by the Bidder to the portal will be encrypted.
- b. The encrypted Bid can only be decrypted/opened by the authorized openers on or after

the due date and time.

17. RESUBMISSION AND WITHDRAWAL OF BIDS :

- a. Resubmission of bid by the bidders for any number of times before the final date and time of submission is allowed.
- b. Resubmission of bid shall require uploading of all documents including price bid afresh.
- c. If the bidder fails to submit his modified bid(s) within the pre-defined time of receipt, the system shall consider only the last bid submitted.
- d. The bidder should avoid submission of bid at the last moment to avoid system failure or malfunction of internet or traffic jam or power failure etc.
- e. The Bidder can withdraw his bid before the closure date and time of receipt of the bid by uploading scanned copy of a letter addressing to the Procurement Officer-Publisher(Officer Inviting Tender) citing reasons for withdrawal. The system shall not allow any withdrawal after expiry of the closure time of the bid.

18. OPENING OF THE BID:

- a. Bid opening date and time is specified during tender creation or can be extended through corrigendum. Bids cannot be opened before the specified date & time.
- b. All bid openers have to log on to the portal to decrypt the bid submitted by the bidders.
- c. The bidders & guest users can view the summary of opening of bids from any system. Contractors are not required to be present during the bid opening at the opening location if they so desire.
- d. In the event of the specified date of bid opening being declared a holiday for the Officer inviting the Bid, the bids will be opened at the appointed time on the next working day.
- e. In case bids are invited for more than one package, the order for opening of the "Bid" shall be that in which they appear in the "Invitation for Bid".
- f. During bid opening, the covers containing original financial instruments towards Cost of bid and Bid Security in the form specified in the DTCN/ITB valid for the period stated in the Bid, received after last date of receipt of bid and before opening of the bids shall be opened and declared. The Procurement Officer-Opener shall continue opening of other documents if he is satisfied about the appropriateness of the cost of Bid and the Bid security.
- g. Combined bid security for more than one work is not acceptable.
- h. The electronically submitted bids may be permitted to be opened by the predefined Bid

opening officer from their new location if they are transferred after the issue of Notice Inviting Bid and before bid opening. Further action on bid documents shall be taken by the new incumbent of the post.

19. EVALUATION OF BIDS:

- a. All the opened bids shall be down loaded and printed for taking up evaluation. The Procurement Officer-Openers shall sign on each page of the documents downloaded and furnish a certificate that the documents as available in the portal for the tender have been down loaded.
- b. The Procurement Officer-Evaluators shall take up evaluation of bids with respect to the qualification information and other information furnished subject to confirmation of the bid security by the issuing institutions.
- c. After receipt of confirmation of the bid security, the bidder may be asked in writing to clarify on the documents provided in the Technical Bid, if necessary, with respect to any doubts or illegible documents. The Officer Inviting Tender may ask for any other document of historical nature during Technical evaluation of the tender. Provided in all such cases, furnishing of any document in no way alters the Bidder's price bid. Non-submission of legible documents may render the bid non-responsive.
- d. The bidders will respond in not more than 7 days of issue of the clarification letter, failing which the bid of the bidder will be evaluated on its own merit.
- e. Technical evaluation of all bids shall be carried out as per information furnished by Bidders. But evaluation of bids does not exonerate bidders from checking their original documents at later date. If the bidder is found to have misled the evaluation through wrong information, action as per relevant clause of DTCN/ITB shall be taken against the bidder/contractor.
- f. The procurement Officer- Evaluators; will evaluate bids and finalize list of responsive bidders.
- g. The financial bids of the technically responsive bidders shall be opened on the due date of opening. The Procurement Officer- Openers shall log on to the system in sequence and open the financial bids.
 - i. The Financial Bid will be opened on the notified date & time in the presence of bidders or their authorised representative who wish to be present.
 - ii. At the time of opening of "Financial Bid", bidders whose technical bids were found responsive will be opened.
 - iii. The responsive bidders' name, bid prices, item wise rates, total amount of each

item in case of Item rate tender and percentage above or less in case of percentage rate tenders will be announced .

- iv. Procurement Officer-Openers shall sign on each page of the downloaded BOQ and the Comparative Statement and furnish a certificate to that respect.
- v. Bidder can witness principal activities and view the documents/summary reports for that particular work by logging on to the portal with his DSC from any where.

20. NEGOTIATION OF BIDS:

- a. For examination, evaluation, and comparison of bids, the officer inviting the bid may, at his discretion, ask the lowest bidder for clarification of his rates including reduction of rate on negotiation and breakdown of unit rates.

21. NOTIFICATION OF AWARD AND SIGNING OF AGREEMENT:

- a. The Employer/Engineer-in-Charge shall notify acceptance of the work prior to expiry of the validity period by cable, telex or facsimile or e-mail confirmed by registered letter. This Letter of Acceptance will state the sum that the Engineer-in-Charge will pay the contractor in consideration of the execution & completion of the Works by the contractor as prescribed by the contract & the amount of Performance Security and additional Performance security required to be furnished. The issue of the letter of acceptance shall be treated as closure of the Bid process and commencement of the contract.
- b. The Contractor after furnishing the required acceptable performance security & additional performance security, "Letter to Proceed" or "Work Order" shall be issued by the Engineer-in-Charge with copy thereof to the Procurement Officer-Publisher. The Procurement Officer-Publisher shall up load the summary and declare the process as complete.

Memo No.

10 28

W, Dated.

24-1-09


EIC - cum- Secretary to Government

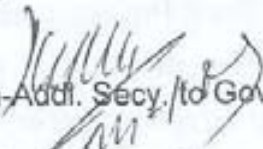
Copy forwarded to P.S. to Hon'ble Minister, Finance, Orissa/ P.S. to Hon'ble Minister, Works, Housing, Orissa for information and necessary action.

Memo No.

10 29

W, Dated.

24-1-09


FA- cum- Addl. Secy. to Govt.

Copy forwarded to OSD to Chief Secretary, Orissa/ P.S. to Development Commissioner-cum-Additional Chief Secretary, Orissa/ P.S. to Principal Secretary to Chief Minister, Orissa for information and necessary action.

Memo No. 1030 FA- cum-Addl. Secy. to Govt.
IW, Dated. 24-1-09

Copy forwarded to Finance Department/ Department of Water Resources/ Housing & Urban Development Department/ Rural Development Department/ Panchayati Raj Department/ Department of Information Technology/ Law Department/ all other Departments/ Managing Director, OB & CC Ltd./ Managing Director, O CC Ltd for information and necessary action.

Memo No. 1031 FA- cum-Addl. Secy. to Govt.
IW, Dated. 24-1-09

Copy with soft copy forwarded to the Head, State Portal Group, IT Centre, Ground Floor, North Annexe of Secretariat for information and necessary action.

He is requested to display this office memorandum in the web-site of State Government.

Memo No. 1032 FA- cum-Addl. Secy. to Govt.
IW, Dated. 24-1-09

Copy forwarded to the Chief Procurement Officer, State Procurement Cell, Nirmana Soudha, Bhubaneswar/ Team Leader, E-procurement Mission, Nirmana Soudha Bhubaneswar for information and necessary action.

Memo No. 1033 FA- cum-Addl. Secy. to Govt.
IW, Dated. 24-1-09

Copy forwarded to EIC (Civil), Orissa /EIC, Water resources, Orissa/ FA-cum-Addl. Secy. to Govt., R.D. Deptt./ Chief Engineer, DPI & Roads, Orissa/ Chief Engineer, Buildings, Orissa/ Chief Engineer, N. Hs., Orissa/ Chief Engineer, R.D. & Q.P., Orissa/ Chief Engineer, World Bank Project, Orissa/ Chief Architect, Orissa/ Chief Engineer, Water Resources, Orissa/ Chief Engineer, R.W.-I, Orissa/ Chief Engineer, R.W.-II, Orissa/ Chief Engineer, P.H.(Urban), Orissa/ Chief Engineer, Electricity, Orissa/ FA-cum-Joint Secy. to Govt., Water Resources

Deptt./ FA-cum-Joint Secy. to Govt., H.&U.D. Deptt./ FA-cum-Joint Secy. to Govt., Energy
Deptt./ Special Officer-cum-Joint Secy. to Govt., Fin. Deptt for information and necessary action.

Memo No. 1034 FA-cum-Addl. Secy. to Govt.
NW, Dated. 24-1-09

Copy forwarded to the Accountant General (A&E), Orissa, Bhubaneswar/ Senior D.A.G.
(Works Audit & Projects), Orissa, Puri for information and necessary action.

Memo No. 1035 FA-cum-Addl. Secy. to Govt.
NW, Dated. 24-1-09

Copy forwarded to the Director, Printing, Stationary & Publication, Orissa, Cutack for
information and necessary action.

He is requested to publish this amendment in the next issue of Orissa Gazette.

Memo No. 1036 FA-cum-Addl. Secy. to Govt.
NW, Dated. 24-1-09

Copy forwarded to all Officers/ Superintending Engineers/ Executive Engineers/
Sections/ P.S. to EIC-cum-Secretary to Govt., Works Department/ 20 (twenty) spare copies to
Guard file for information and necessary action.

FA-cum-Addl. Secy. to Govt.