

GOVERNMENT OF JAMMU AND KASHMIR
HOUSING & URBAN DEVELOPMENT DEPARTMENT
Civil Secretariat, Jammu/Srinagar

CIRCULAR

Subject: Tendering/Procurements of Goods/Services/Works- Instructions thereof.

The Central Vigilance Commission (CVC) has time and again issues guidelines for procurement to ensure transparency and prevent corruption. These guidelines apply to public service organizations and include requirements for e-procurement, tendering, and contract selection. Some of the guidelines for Pre-Bid stage are re-produced as under:

1. To ensure that the Pre-Qualification (PQ) criteria specified in the tender document should neither be made very stringent nor very lax to restrict / facilitate the entry of bidders.
2. It should be ensured that the PQ criteria are exhaustive, yet specific and there is fair competition.
3. It should also be ensured that the PQ criteria is clearly stipulated in unambiguous terms in the bid documents. (No. 98/ORD/1 Dtd. 04.09.2003 & No. 12-02-1-CTE-6 Dtd. 07.05.2004).
4. It is necessary to fix in advance the minimum qualification, experience and number of similar works of a minimum magnitude satisfactorily executed in terms of quality and period of execution. (No. 12-02-1-CTE-6 Dtd. 17.12.2002).
5. Whatever pre-qualification, evaluation / exclusion criteria, etc. which the organization wants to adopt should be made explicit at the time of inviting tenders so that basic concept of transparency and interests of equity and fairness are satisfied.
6. The acceptance / rejection of any bid should not be arbitrary but on justified grounds as per the laid down specifications, evaluation / exclusion criteria. (Ref No.98/ORD/1 Dtd. 09.07.2003).
7. It should be ensured that pre-qualification criteria, performance criteria and evaluation criteria are incorporated in the bid documents in clear and unambiguous terms as these criterions are very important to evaluate bids in a transparent manner. Whenever required, the departments/organizations should follow two-bid system, i.e. technical bid and price bid. The price bids should be opened only of those vendors who were technically qualified by the Department / Organization. (Ref: No. 98/ORD/1 Dated 04.09.2003).
8. During the preliminary examination, some minor infirmity and/ or irregularity and/ or nonconformity may also be found in some tenders. Such minor issues could be a missing pages/ attachment or illegibility in a submitted document; non-

submission of requisite number of copies of a document. There have been also cases where the bidder submitted the amendment Bank Guarantee, but omitted to submit the main portion of Bid Document. The court ruled that this is a minor irregularity. Such minor issues may be waived provided they do not constitute any material deviation and financial impact and, also, do not prejudice or affect the ranking order of the tenderers. Wherever necessary, observations on such 'minor' issues (as mentioned above) may be conveyed to the tenderer by registered letter/ speed post, and so on, asking him to respond by a specified date also mentioning therein that, if the tenderer does not conform Procuring Entity's view or respond by that specified date, his tender will be liable to be rejected. Depending on the outcome, such tenders are to be ignored or considered further. (Ref: Manual for Procurement of Works (Updated June 2022); Pt 5.4.4, Pg 73).

9. In case of Procurement of Goods, Deviations/ Reservations/ Omissions shall be categorically identified as substantive or minor. The procuring entity is entitled to consider and allow minor deviations that do not amount to substantive deviations. The Procuring Entity reserves the right to accept bids with such minor issues provided they do not constitute any substantive deviation, do not have a fiscal impact, do not prejudice, or affect the ranking order of the bidders and do not grant the bidder any undue advantage vis-à-vis other bidders and the Procuring Entity. Wherever necessary, the Procuring Entity shall convey its observation on such 'minor' issues to Bidder. If the Bidder does not reply by the specified date or gives an evasive reply without clarifying the point at issue in clear terms, that bid shall be liable to be rejected as non-responsive. (Ref: Manual for Procurement of Goods (2024); Pt 7.3.4, Pg 160)
10. During evaluation and comparison of bids, the Procuring Entity may, at his discretion, ask the bidder for clarifications on the bid. The request for clarification shall be given in writing by registered/ speed post, asking the tenderer to respond by a specified date, and also mentioning therein that, if the tenderer does not comply or respond by the date, his tender will be liable to be rejected. Depending on the outcome, such tenders are to be ignored or considered further. No change in prices or substance of the bid including specifications, shall be sought, offered or permitted. No post-bid clarification at the initiative of the bidder shall be entertained. The shortfall information/ documents should be sought only in case of historical documents which pre-existed at the time of the tender opening and which have not undergone change since then. These should be called only on basis of the recommendations of the TC. (Example: if the Permanent Account Number, GSTN number has been asked to be submitted and the tenderer has not provided them, these documents may be asked for with a target date as above). So far as the submission of documents is concerned with regard to qualification criteria, after submission of the tender, only related shortfall documents should be asked for and considered. For example, if the bidder has submitted a contract without its completion/ performance certificate, the certificate can be asked for and

considered. However, no new contract should be asked for so as to qualify the bidder. (Ref Manual for Procurement of Works (Updated June 2022); Pt 5.4.5, Pg 73).

11. Clarification of Bids/ Shortfall Documents for Purchase of goods provides guidelines for the Procuring entity to seek any shortfall information/ documents only in case of historical documents that pre-existed at the time of the Bid Opening, and which have not undergone change since then and does not grant any undue advantage to any bidder. For example, if the bidder has submitted a supply order without its completion/performance certificate, the certificate can be asked for and considered. However, no new supply order should be asked for to qualify the bidder. (Ref: Manual for Procurement of Goods (2024); Pt 7.3.5, Pg 161).
12. For Procurement of Consultancy and other Services shortfall documents not enclosed by the bidder can be asked for, as in case of the traditional tender, by the purchaser and submitted by the bidder online, provided it does not vitiate the tendering process. (Ref: Manual for Procurement of Consultancy and other Services (Updated June 2022); Appendix 3: Electronic Procurement, Pg 191).

It has been brought to the notice that departments under the administrative control of H&UDD are not following these instructions/guidelines in letter and spirit.

It is accordingly impressed upon all the HODs/DDOs under the administrative control of H&UDD to strictly adhere to the instructions issued by CVC and as prescribed in General Financial Rule, 2017/Manual For procurement of Goods/ Services/ Works and other Government Orders/ Instructions issued from time to time while Tendering/Procurements of Goods/Services/Works.

Sd/-

(Mandeep Kaur), IAS
Commissioner Secretary,
Housing & Urban Dev. Dept.

No: HUD-ACNT0MISC/1/2025/7611913

Dated: 11 -02-2025

Copy to:

1. Additional CEO, MRDA/JMRDA/MRTC Jammu/Kashmir
2. Commissioner, Municipal Corporation, Jammu/Srinagar.
3. V.C. LAWDA/SDA/JDA.
4. Director, Urban Local Bodies, Jammu/Kashmir
5. Chief Engineer, J&K UEED.
6. Chief Architect, J&K.
7. MD, J&K Housing Board.
8. Chief Town Planner, Jammu / Kashmir.

9. Director, Building Centre Jammu / Srinagar.
10. Executive Engineer, City Drainage Division, Srinagar
11. Executive Engineer, Mech. Drainage Division, Srinagar.
12. Executive Engineer, S&D – II, SMC. Srinagar
13. Executive Engineer, S&D West, Jammu
14. Chief Executive Officer, KDA / JUDA / UDAK.
15. All Project Officers of DUDAs
16. Additional CEO, MRDA/JMRDA/MRTC Jammu/Kashmir.


Director Finance,
Housing & Urban Dev. Deptt. 