

Rajasthan Municipalities (Purchase of Materials and Contracts) Rules, 1974

RAJASTHAN

India

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Rule

RAJASTHAN-MUNICIPALITIES-PURCHASE-OF-MATERIALS-AND-CONTRACTS RULES, 1974

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Rajasthan Municipalities (Purchase of Materials and Contracts) Rules, 1974Published vide Notification No. F.3(2)(13)LSG/74, dated 27-11-1974, GSR 311(3)As amended upto Notifications issued from time to time upto December 28, 1998, published in Rajasthan Gazette Extraordinary, Part 6(ka), dated 29-12-1998, page 199In exercise of the powers conferred by section 297 read with sections 298 and 80 of the Rajasthan Municipalities Act, 1959 (No.38 of 1959), the State Government hereby makes the following rules, namely:-

1.

These rules may be called the Rajasthan Municipalities (Purchase of Materials and Contracts) Rules, 1974.

2. These rules shall come into force one month from the date of their publication in Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires:-(i)'Board' includes Municipal Council;(ii)'Purchasing Officer' or 'Indenting Officer' means the Executive Officer;(iii)'Executive Officer' includes Commissioner of the Municipal Council.

3. Purchase of material and execution of work by tender etc.

- Subject to any order that may be issued by the State Government in this behalf and except as otherwise provided in these rules, any contract for the supply of material or goods which may involve an expenditure exceeding Rs. 1000/- or for the execution of any work which may involve an expenditure exceeding Rs.2,000/- shall not be entered into unless tenders are duly invited in the manner hereinafter prescribed and prior sanction of the competent authority is obtained as provided under Rule 14.

4. [[Substituted vide Notification dated 14-3-1978.]

[(a) For purchase of materials and inviting of tenders to get the fabrication work done, the following time limit shall be observed:-

- | | |
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| (1) For estimated expenditure upto Rs. 1.00 lakh | - One week |
| (2) For amount exceeding 1.00 lakh but upto 5.00 lakhs | - Two weeks |
| (3) For amount exceeding 5.00 lakhs | - One month.] |

(b)The time limit mentioned in clause (a) above shall be reckoned from the date on which notice inviting tender has appeared in the Newspaper to the date on which the tenders have been asked to submit the tender].

5.

If the response to any invitation to tenders that owing to inadequate publicity or some other reasons favourable or sufficient number of tenders have not been received, then fresh tenders shall be invited and measures taken to bring the invitation to tender to the notice of all possible tenderers.

6.

The procedure for obtaining tenders shall be as follows:-Tenders shall be obtained:-(a)By advertisement (open tenders).(b)By direct invitation to a limited number of firms (limited tender).(c)By invitation to one firm only.The open tender system i.e. invitation to tender by public advertisement shall be used as a general rule and shall be adopted subject to the exception noted below in all cases in which the estimated value of the tenders to be received is Rs.5000/- or over.(i)The limited tender system shall ordinarily be adopted in the case of all orders the estimated value of which is less than [Rs. 10,000/-] [Substituted by Notification dated 5-6-1991 [16-1-1992].].(ii)For the purposes of the limited tender and single tender procedure, the Purchasing Officer will maintain a list of firms of known reliability who have been able to satisfy that they possess the necessary equipment and facilities for the supply of stores, which they offer. The list should be subjected periodically to examination and revision, and any application from a firm for inclusion in the list shall be considered on receipt of Rs.25/-as security money. Before the name of the firm is added to the list, such enquiries as may be considered necessary, shall be made by the purchasing officer, to ascertain the ability of the firm to execute contracts satisfactorily. From the

list the names of the firms to be invited to tender should be selected.(iii)[The single tender system shall be adopted in the case of purchase of material or goods when the estimated value thereof does not exceed Rs. 1000: [Added by Notification dated 22-1-1991.]Provided that the aforesaid limit shall not be applicable in the following case for which no tenders shall be required to be invited:-(a)when the material or goods required are of proprietary character and competition is not considered necessary;(b)when the material or goods required are purchased directly from the registered manufacturers of known reliability or on the rates approved by Central Stores Purchase Organisation or the Director General of Supplies and Disposal;(c)when the material and goods are purchased from the Rajasthan State Agro Industries Corporation, Rajasthan State Small Scales Industries Corporation or Certified Khadi Bhandars, provided such goods or material is manufactured by these undertakings, and a certificate is given to this effect;(d)when cloth is purchased from the National Textiles Corporation Limited, Rajasthan Handloom Project Board, and/or from any of the sales depots run and managed by the Rajasthan Rajya Bunkar Sahkari Sangh Ltd.:(e)when material or goods are purchased from the Sahkari Wholesale Upbhokta Bhandars and Uphar of which such Bhandar or Uphar is wholesale or received its supplies from the manufacturers/productions directly for which a certificate to the effect is endorsed on the bill/ cash memo;(f)when any spare part of a motor vehicle is purchased from the manufacturer or its authorised dealer of that vehicle upto a limit of Rs. 1,000/-;(g)when the goods are purchased (a) from any State Department or under its any scheme or from any Government undertaking (b) or under "Sekho Kamao Yojna"; and(h)when the State Government has exempted fro inviting tenders for purchase of any specific material or good.](iv)The limited tender system may, however, be adopted instead of the 'open tender' system even when estimated value of the tenders to be received is not less then [Rs. 10,000/-] [Substituted by Notification dated 5-6-1991 [16-1-1992].] in the following cases: -(a)when sufficient reasons exist which indicate that it is not in the public interest to call for tenders by advertisement. In every such case the reasons must be recorded by the purchasing officer in writing;(b)when the indenting officer certifies that the demand is urgent and any additional expenditure involved in the open tender system, must not be incurred in all such cases the indenting officer must place on record the nature of the urgency.[UkksV %& vXfu'keu okguksa dh rqjUr ejEer gsrq Lis;j ikZV~l okgu ds ewy fuekZrk vFkok fuekZrk ds vf/kd`r fodsZrk ls #i;s 25]000 [Inserted by Notification Published in Rajasthan Gazette, Part (5) (Ka), dated 16-1-1992, page 59.)] rd dh lhek rd fu;kZr }kjk vuqeksfnr njksa ij lh/ks gh [kjhns tk ldsaxs-](v)The invitation of tender should contain full particulars of the articles to be purchased viz. specifications, quality of the material to be used, time and place of delivery and terms and conditions of payment.(vi)[The publicity of tenders when purchases are being made of articles manufactured outside Rajasthan shall be given in the Newspaper as may be approved by the State Government in this behalf.] [Substituted by Notification dated 3-4-1982.](vii)[Notwithstanding anything contained in the foregoing provisions, the purchasing officer, after opening of the tenders, considered that the rates quoted by the tenderers are excessive of the prevailing market rate or a ring has been formed, he may enter into negotiations with all the tenderers in such manner, as may he deems fit, after serving due notice to all such tenderers. During such negotiations, if the rates are lowered down to the satisfaction of the purchasing officer, he may accept the rates of the lowest tenderer and may proceed further for the purchase of material or goods otherwise he may invite tenders afresh.] [Inserted by Notification dated 3-4-1982.]

7.

The State Government shall black list such of the firms/persons as are found to have used corrupt and malpractice in supply of goods to any Board and no board shall issue tender or make any purchase of kind whatsoever from such firm of black listed person:[Provided that all such cheques to the limit of amount for which the Executive Officer is authorised to incur expenditure under the provision of the Rajasthan Municipalities (Purchase of Material and Contract) Rules, 1974, shall be signed by him alone.] [Added by Notification dated 13-9-1983 [20-10-1983].]Note- Malpractice includes supply of sub standard goods.

8.

To provide sufficient control over these matters and ensure supply in conformity with the samples and specifications the following procedure shall be adopted:-(1)Supplies when received shall be subjected to inspection by the purchasing officer or any responsible officer nominated by him.(2)The purchasing officer shall be personally responsible for ensuring conformity of the supply with the samples.(3)The officer appointed for inspecting the supplies shall pick up a few articles from the supply and compare these articles with the sample and the specifications, with a critical eye to ascertain whether the articles supplied, confirm in all respects, with the sample and specification. Where necessary, prescribed or practicable tests shall be carried out at random on samples to adjudge the suitability of the supplies.(4)The numbers of articles picked up for such comparison should be such as would, in the discretion of the inspecting officer, give him a reasonable basis for concluding that the supply in general is in conformity with the approved sample and specifications. In any case the number of article picked for comparison should not be less than 10 per cent of the article picked for comparison should not be less than 10 per cent of the supplies unless this impracticable, for which reasons may be recorded.(5)When the supply is satisfactory, the inspecting officer shall order the taking of the supply on the register of the Board and give a certificate to the effect that on carefully inspecting the supply in the prescribed manner, he found it to be conform with samples/specifications and answering prescribed/practicable tests.(6)If the supply is not in conformity with the sample, the inspecting officer shall, if he is not himself the purchasing officer, forthwith draw the attention of the purchasing officer to the defects found by him.(7)The purchasing officer shall then either reject the supply and ask the supplier to replace it at his own cost by goods supplies or if, due to exigencies of the work and the slight nature of defect, he does not consider it advisable to reject the supply draw the attention of the Board to this matter recording a note to the effect that such acceptance is necessary and submit his recommendation about the amount that should be deducted from the approved rates.(8)The purchasing officer shall give his decision regarding acceptance or rejection of the supplies within, at the most, a week of the receipt of supply.(9)Members of the Finance Committee of the Board and officers authorised under section 283 of the Act may at any time check the stock register and record pertaining to the purchase and compare the accepted supplies with the approved samples.(10)They will be entitled to take the approved samples and specification with them under proper precautions for comparing the sample with the supplies made to the consuming departments.

9.

The charges of the tender forms against advertised demands shall be according to the following scale:-

Estimated value of tender	Charge for tender form
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Upto Rs. 10,000/-	2.00
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Rs. 10,001 to 20,000/-	3.00
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Rs.20,001 to 30,000/-	4.00
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Rs.30,001 to 50,000/-	5.00
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Rs.50,001 to 75,000/-	6.00
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Rs.75,001 to 1,25,000/-	8.00
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Above Rs. 1,25,000/-	10.00
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Note.- Cost of drawings and specifications shall be extra.

10.

In case of tenders for public works, the following time limit for inviting the tenders shall be observed:-

(1) [For petty works costing upto Rs.2.00 lakhs Two weeks

(2) Works exceeding 2.00 lakhs but upto 5.00 lakhs Three weeks

(3) For major works costing above Rs.5.00 lakhs One month.]

[Substituted by Notification dated 23-3-1991.]The above time limit should be reckoned from the date on which, the notice of inviting tenders has appeared in the newspaper to the date on which, the tenderers have been asked to submit his tender.

11.

[(i) The works involving an estimated expenditure to the extent of Rs.2,000/- may be got executed as per basic Schedule of Rate prevailing in the Public Work Department (B & R) of the State Government or at such lower rates as may be determined by the purchasing officer after negotiation with all or any approved contractor.(ii)The procedure for obtaining tenders for execution of any work shall be the same as provided under rules 5 and 6.(iii)All the notices inviting tenders shall be sent for publication in the Newspaper as described below:-

	Estimated value of works/material	Mode of publicity
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(a)	Upto Rs.20,000/-	In one of the local daily/weekly/fortnightly Newspaper as maybe approved by the State Government.
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(b)		Approved by the State Government.
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Above Rs.20,000 and upto Rs. 10
lacs.

- (c) Above Rs. 10 lacs One daily newspaper of State wide circulation and one in all India Newspaper as may be approved by the State Government.]

[Substituted by Notification dated 3-4-1982.]

12.

No tender for execution of the work of any description or for purchase shall be entertained unless accompanied by earnest money, paid as notified in the tender notice.

13.

All articles shall be subject to inspection before acceptance of articles for which specifications and/or test have been prescribed by the State Government and shall be required to conform to such specification and/or to satisfy the prescribed test or tests which may be carried out during manufacture or before or after despatch from supplier's premises.

14. Competent sanction necessary.

- [(1) No contract shall be entered into for the purchase of materials/goods or for the execution of work without the prior administrative financial sanction/approval of the following authorities:-]
[Substituted by Notification No. F. 8(G)/Rules/DLB/2015/4081, dated 23.2.2015-Rajasthan Gazette Extra Ordinary, pt. VI(A), dated 2.3.2015, p. 253.]

(A) In case of Municipal Corporation

(1) [] [Substituted by Notification No. F. 8(G) (Rules)/DLB/15/6163, dated 31.3.2017-Rajasthan Gazette, Extraordinary, Part VI(A), dated 31.3.2017, page 99]Expenditure upto Rs. 25.00 Lacs

Additional Commissioner
or Deputy Commissioner

(2) Expenditure upto Rs. 100.000 Lacs

Chief Executive Officer

(3) Expenditure upto Rs. 200.000 Lacs

Mayor

(4) Expenditure upto Rs. 500.000 Lacs

Finance Committee

(5) Full powers upto Budget Provision

Corporation

(B) In case of Municipal Council

(1) Expenditure upto Rs. 2.00 Lacs

Commissioner

(2) Expenditure upto Rs. 50.00 Lacs

President

(3) Expenditure upto Rs. 100.00 Lacs

Finance Committee

(4) Full powers upto Budget Provision

Council

(C) In case of Municipal Board

(1) Expenditure upto Rs. 1.00 Lacs

Executive Commissioner

- | | |
|---------------------------------------|-------------------|
| (2) Expenditure upto Rs. 25.00 Lacs | Chairman |
| (3) Expenditure upto Rs. 50.00 Lacs | Finance Committee |
| (4) Full powers upto Budget Provision | Board |

Provided that the authorities specified under clause (A) and (B) above, shall exercise the powers subject to the provisions of Section 81 of the Act and if amount, exceeds at any time by more than twenty percent plus the actual income and expenditure of the previous year, then, -(i)the authorities specified under clause (A) and (B) shall obtain previous approval of the State Government.(ii)the authorities specified under clause (C) shall obtain previous approval of the Deputy Director (Regional).(2)Every contract entered into by or on behalf of a board shall be in writing and shall be signed by the Chairman and Executive Officer and shall be sealed with common seal of the Board:Provided that when an officer, committee or authority is appointed under section 293 or an administrator is appointed under sub-section (1) of section 293-A or person are appointed under sub-clause (ii) of clause (c) of sub-section (4) or clause (b) of sub-section (5) of section 295 in relation to a board by the State Government, it shall be sufficient for every contract entered into by or on behalf of the Board during the period of such appointment, if it is signed by such Officer, Committee or authority or the administrator or person or persons, as the case may be, and the Executive Officer.(3)Where the contract is to be entered into after obtaining sanction of competent authority, it shall be specified in the agreement that prior sanction of the Competent authority in respect of the contents of the agreement has been obtained and a copy of such approval or sanction shall form part of the Contract.[15- vuqekuksa dk vuqeksnu rFkk feykxa dk ijh{k.k- [Rule 15 substituted by Hindi Notification dated 29-5-1997, Published in Rajasthan Gazette Extraordinary Part 4 (Ka), dated 12-6-1997, Page 59.] - fuekZ.k dk;ksZ dh voLFkk esa muls lacaf/kr vuqekuksa rFkk feykxa dks fuEu fyf[kr vf/kdkfj;ksa }kjk muds lEeq[k vafdr jkf'k rd rduhdh #i ls vuqeksfnr@ ifj{k.k fd;k tk;sxk :-

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| 3. vf/k'kkld vfHk;Urk | iUnzg yk[k #i;s rd |
| 4. v/kh{k.k vfHk;Urk | iPphl yk[k #i;s rd |
| 5. vfrfjDr eq[; vfHk;Urk | pkyhl yk[k #i;s rd |
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- uksV- - (1) vfHk;kaf+=dh v/khuLFk@ dfu"B vfHk;Urk@ lgk;d vfHk;Urk ds vf/kdkj lacaf/kr uxjikfydk@ ifj"kn~ esa muls mPp rduhdh vf/kdkjh ds ugha gksus ij gh ykxw gksaxs-(2)uxj fuxe@ ifj"kn~ us v/kh{k.k vfHk;Urk@ vfrfjDr eq[; vfHk;Urk dk;Zjr ugha gksus dh fLFkfr esa 15 yk[k #i;s ls vf/kd ds vf/kdkj v/kh{k.k vfHk;Urk (LFkkuh; fudk;) esa fufgr gksaxs-]

16.

No contract shall be binding unless the requirements of these rules and the Act are complied with.

17. [Forms of tenders etc. [Inserted by Notification dated 3-4-1982.]

(1)the form of notice inviting tenders, tender form, conditions of tender and contract and form of agreement for purchase of material or goods as prescribed in Appendix XVI of the Rajasthan General Financial Accounts Rules shall be applicable mutatis mutandis.(2)The procedure as regards execution of works departmentally or through contractors and running payments, completion reports, final payments, the forms and registers for all sorts of accounts and transactions thereto shall be the same as are used in the Public Works Department (B & R) of the State Government.]