

Chhattisgarh Panchayat (Purchase of Material and Goods) Rules, 2013

CHHATTISGARH

India

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Rule

CHHATTISGARH-PANCHAYAT-PURCHASE-OF-MATERIAL-AND-GOODS **of 2013**

- Published on 24 August 2013
- Commenced on 24 August 2013
- [This is the version of this document from 24 August 2013.]
- [Note: The original publication document is not available and this content could not be verified.]

Chhattisgarh Panchayat (Purchase of Material and Goods) Rules, 2013Published vide Notification No. /P-166/PGVV/22/2013/2162 dated the 24.8.2013Last Updated 17th September, 2019Notification No./P-166/PGVV/22/2013/2162 dated the 24th August, 2013. - In exercise of the powers conferred by sub-section (1) of Section 95 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government, hereby, makes the Chhattisgarh Panchayat (Purchase of Material and Goods) Rules, 2013, the same having been previously published as required by subsection (1) of Section 95 of the said Adhiniyam, namely : -

1. Short Title.

- These rules may be called the Chhattisgarh Panchayat (Purchase of Material and Goods) Rules, 2013.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Chief Executive Officer" means the Chief Executive Officer of Zila Panchayat or Janpad Panchayat, as the case may be;(c)"Chhattisgarh Store Purchase Rules" means the Chhattisgarh Store Purchase Rules, 2003 as amended and applicable in Chhattisgarh State;(d)"Collector" means the Collector of revenue district;(e)"Executive Engineer" means the Executive Engineer of rural engineering service;(f)"Panchayat" means the Gram Panchayat, Janpad Panchayat or Zila Panchayat as the case may be, constituted under the Act;(g)"Sarpanch" means

Sarpanch of the Gram Panchayat constituted under the Act;(h)"Standing Committee/General Administration Committee" means the Standing Committee/General Administration Committee of the Gram Panchayat, Janpad Panchayat or Zila Panchayat, as the case may be, constituted under the provisions of the Act;(i)"State purchase rules" means the rules made by the State Government for purchase of materials and goods in the Government Institutions;(j)"Tender" means Inviting rates of goods or material from supplier for purchasing goods or material.

3. Purchase of material and goods.

(1)For purchase of material and goods, other than those for the execution of works, the Panchayat may purchase material and goods according to following procedure. -(i)In case of Gram Panchayat Rs. 2000/- and in case of Janpad Panchayat and Zila Panchayat upto the limit of Rs. 5000/- may be purchased without calling of tenders or quotations.(ii)In case of Gram Panchayat material and goods, costing more than Rs. 2000/-but less than Rs. 10,000/- and in case of Janpad Panchayat and Zila Panchayat, costing more than Rs. 5000/-but less than Rs. 50,000/-, may be purchased, at the competitive rates by inviting quotations at least from three reputed firms.(iii)For purchasing material and goods, tender value (Total value of materials) requisition shall be split up, so as to bring them under clause (i) or clause (ii) of sub-rule (1) of Rules 3.(iv)In case of Gram Panchayat material and goods, costing more than Rs. 10,000/- and in case of Janpad Panchayat and Zila Panchayat, costing more than Rs.50,000/- it will be compulsory to invite open tenders. Tenders obtained separately material wise from firms shall be tabulated in ascending order of supply rate as follows : -(a)In case of Gram Panchayat by his Secretary;(b)In case of Janpad Panchayat/Zila Panchayat by his Chief Executive Officer. This process shall also be applicable to clause (ii) of subrule (1) of Rule 3.(v)For scrutiny of the prescribed rate the joint responsibility shall be fixed, as per the prepared table in clause (ii) and clause (iv) of sub-rule (i) of Rules 3, as follows :-(a)In case of Gram Panchayat, Secretary (Panchayat) and the group of Gram Panchayats (In which that Gram Panchayat is included) Assistant Internal Account Audit and Taxation Officer;(b)In case of Janpad Panchayat/Zila Panchayat it's Chief Executive Officer and Official In-charge of Account Section (Assistant Accounts officer/Accounts officer).(vi)After provisioned scrutiny under sub-clause (5), this tabulation shall be produced in front of the concerned Panchayat General Administration Committee by his Secretary.(vii)As per the above mentioned financial limits, the General Administration Committee shall permit purchase of necessary machines/equipments, like photocopier, computer, scanner, printer, LCD, projector etc. in consultation with District Level Technical Officers.(viii)The interim amount of 2 percent value of supply material shall be paid compulsorily by the crossed bank draft in favour of the concerned Panchayat.(2)Following procedure shall be followed for purchase of necessary construction materials for Gram Panchayats : -(i)Collector for every Janpad Panchayat under his jurisdiction shall determine the minimum price for different kind of construction material by inviting tenders in every 6 months (month of January - July), for the purpose of procurement of construction material, minimum price shall be fixed, which shall be effective for next 6 months.(ii)Quantity of material shall be determined by adding 10 percent in material utilized in every Gram Panchayat work of such Janpad Panchayat within last 6 months.(iii)On the basis of quantity of material, (1%) price of appropriate expenditure shall be deposited at the time of taking tenders in the form of earnest money from every establishment/provider of material/ constructor/seller, who are registered with Chhattisgarh Sales

Tax Department and who are submitting tenders.(iv)Rates realized after scrutiny laid before District Level Purchasing Committee. For this purpose District Level Purchasing Committee shall be constituted and following shall be its members, namely : -

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| (a) Collector or Officer nominated by him, who shall not be below the rank of Additional Collector | - President |
| (b) Chief Executive Officer, Zila Panchayat | - Member |
| (c) General Manager District Industries Officer | - Member |
| (d) District Mining Officer | - Member |
| (e) Accounts Officer Zila Panchayat/Accounts Officer Rural Engineering Service/Additional or Sub-treasury Officer | - Member |
| (f) Executive Engineer Rural Engineering Service | - Member Secretary |

Collector on his own discretion may nominate additional member in the above mentioned purchase Committee.(v)On the basis of analysis of the rates received by the District Level Purchase Committee separate minimum rates shall be permitted for separate materials to every Janpad Panchayat. Thereafter, all the suppliers shall be given opportunity for consent on supply of said material at minimum rates in their respective Janpad Panchayat. Those suppliers who agree to supply at minimum rates, shall be listed by in ascending order of minimum rate tendered by them. The rate shall be called in such manner that supplier shall have to supply the material to any Gram Panchayat of the Janpad Panchayat, within 15 days of receiving the order from Gram Panchayat. The rates shall be inclusive of transportation charges. For the purpose of agreement, letters shall be issued to all material suppliers with direction that whoever is interested to supply material, he shall show the quantity of material to be supplied, after approval of the cost of such material by all tenderers, who have obtained approval at minimum price and along with this he shall show estimated quantity of material which is to be supplied by him and by submitting bank guarantee/F.D of 1 percent price of cost of such material shall enter into agreement with such Janpad Panchayat. After agreement in prescribed format, a priority list of supplier firms shall be sent to the concerned Janpad Panchayat and Gram Panchayat for the purchase of material.(vi)Gram Panchayat may, by issuing purchase order, directly purchase/ supply material from the suppliers/firms/producers of material/seller, whose registration is in Sales Tax Department of Chhattisgarh, listed on the rate sanctioned and agreed by the District level Purchase Committee.(vii)Gram Panchayat may as per its requirement give orders to prescribed firms, for purchase or supply in next 6 months. In case material is not supplied within 15 days at prescribed rates, then concerned Panchayat may order for purchase/supply to any other listed suppliers.(viii)If concerned contractor does not supply the material within 15 days, at prescribed rate, then concerned Panchayat may order to any contractual supplier. When the supplier of the material fails to supply the material in prescribed period, information thereto shall be given to Collector/Chief Executive Officer, Zila Panchayat. After scrutinization by the Collector/ Chief Executive Officer, Zila Panchayat the amount deposited by such supplier of materials may be forfeited and they shall be restricted from supply of materials, for 5 years in future.

4. Lowest tender to be accepted.

- The lowest tender shall ordinarily be accepted. Where for valid reason it is considered undesirable to accept the lowest tender, reasons therefore shall be clearly recorded and made available for purposes of audit. Note. - Where the lowest tender is in respect of more than one article, for example, stationery articles, the comparative prices tendered may be considered, either individually for each article or conjointly for all the articles or for specified group of articles, provided that the intention of Panchayat to accept the lowest in any one of the ways is made clear in the tender notice. If the tender is considered conjointly for all the articles or for group of articles the cost of all articles or of all the articles in each group, as the case may be, shall be worked out with reference to the rates given in each tender and the lowest tender will be according to which the total cost of the probable requirements of all articles proposed to be taken together works ought be the lowest.

5. Acceptance of higher tender.

- Where the lowest tender is rejected the next higher tender shall be accepted, unless adequate reasons are recorded for rejecting the lowest tender.

6. Rates.

- A tender shall, in no case, be accepted at rates other than those specified in that tender.

7. No avoidable delay in disposal of tender.

- There shall be no avoidable delay in the disposal of tenders after they are opened.

8. Manner of inviting tenders.

(1)The tenders (in sealed covers) shall be invited, in case of Gram Panchayat by the Sarpanch and in case of Janpad Panchayat and Zila Panchayat by the Chief Executive Officer in the most open and public manner invariably as under: -(a)In all cases by, a notice in Hindi pasted at the notice board of the officer of the Panchayat and at such other places as it may deem fit;(b)By advertisement in atleast one daily newspaper circulating in the district where previous estimated cost is more than Rs.25,000/-.(c)By advertisement in atleast two daily newspapers circulating in the State, where previous estimated cost is more than Rs. 50.000/-(2)Every notice or advertisement published under sub-rule (1) shall state inter alia(a)the conditions under which, the officer from whom, and the price, if any, for which a copy of the Schedule of quantities of the various kinds of articles can be obtained if, they cannot be mentioned in detail in the notice or advertisement itself;(b)the precise form in which the tender shall be made, that is whether the prices for various articles are to be quoted and whether comparative value of the tender will be examined with reference to each article mentioned in the Schedule of quantities or for all such articles conjointly or for groups of such articles;(c)the time and place for presenting the tenders allowing a period of at least 10 days from the date of publication of the notice at the office of the Panchayat or in case failing under clause (b)

and (c) of sub-rule (1) from the appearance date of the first advertisement in the newspaper;(d)the time and place for opening the tender;(e)the amount of earnest money which should accompany the tender and the amount and nature of the security which will be required in case the tender is accepted. The security amount shall not be less than 8% of the cost of materials or goods;(f)the authority competent to accept the tender;(g)the authority competent to accept the tenders, reserves the right to reject any or all of the tenders received without assigning reasons; and(h)a tenderer who withdraws his tender, without valid reasons (to be decided by authority competent to accept the tender) shall be liable to have his subsequent tenders summarily rejected and such person shall be liable for the compensation if Panchayat is put to loss by recalling tenders. The amount of loss shall be recoverable as arrears of Land Revenue.

9. Recall of the tender.

- If successful tenderer without reasonable cause fails to supply goods or material in the fixed time limit, such tender shall be cancelled and fresh tenders shall be recalled, in the manner provided under these rules, at the risk of the person whose tender was accepted earlier. If by recalling tenders, the Panchayat is put to any loss, such person shall be liable to compensate such loss and expenses for recalling of tender. After adjustment from the security amount, if there is any balance, it shall be recoverable as arrears of Land Revenue.

10. Refund of earnest money and security money.

(1)Earnest money deposited by unsuccessful tenderer shall be refunded immediately, after acceptance of the tenders.(2)The earnest money and security amount of successful tender, may be returned, after timely supply as per samples.

11. Purchase to which these rules shall not apply.

- Nothing contained in these rules shall apply to the purchase of. -(i)(Material and goods) Articles purchased through the DGS & D;(ii)Such articles, through Corporation, Board or enterprises of the State Government which are competent to supply such articles;(iii)Such articles, through dealing institute registered with the Central or the Chhattisgarh State Khadi and Gramodyog Board which are authorised to supply such articles;(iv)Articles from jails;(v)Medicines through Medical Store Department;(vi)Articles from other such institutions/as notified by the State Government.

12. Receipt of the material.

- On receipt of the material and goods, it shall be properly checked and be counted, measured or weighed, as the case may be, and it shall be the duty of the receiver to satisfy himself and to correct standard and quality of supplied material as per sample.

13. Repeal.

- From the date of final publication of these rules in the Official Gazette, the Chhattisgarh Panchayat (Purchase of material and goods) Rules, 1999, shall stand repealed.