

M.P. Panchayat (Purchase of Material and Goods) Rules, 1999

MADHYA PRADESH

India

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Rule

M-P-PANCHAYAT-PURCHASE-OF-MATERIAL-AND-GOODS-RULES-1999 of 1999

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M.P. Panchayat (Purchase of Material and Goods) Rules, 1999Published vide Notification No. F.1-17-97-22-P-2, dated 12-4-1999, M.P. Rajpatra (Asadharan), dated 12-4-1999 at p 598 (3)In exercise of the powers conferred by the sub-section (1) of Section 95 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of the Section 95 of the said Act, namely :-

1. Short title.

- These Rules may be called the Madhya Pradesh Panchayat (Purchase of Material and Goods) Rules, 1999.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Panchayat" means the Gram Panchayat, Janpad Panchayat or Zila Panchayat, as the case may be, constituted under the Act;(c)"Sarpanch" means Sarpanch of the Gram Panchayat constituted under the Act;(d)"Chief Executive Officer" means the Chief Executive Officer of Zila Panchayat or Janpad Panchayat, as the case may be;(e)"Standing Committee" means the Standing Committee of the Gram Panchayat, Janpad Panchayat or Zila Panchayat as the case may be, constituted under the provisions of the Act;(f)"Tender" means inviting rates of goods or material from supplier for purchasing goods or material;(g)"Store Purchase Rules" means the rules made by the State Government for purchase of materials and goods in the Government Institutions.

3. Purchase of Material and Goods.

(1) For purchase of material and goods other than those for the execution of works, the Panchayat may dispense with calling of tenders or quotations up to the limits of cost not exceeding Rs. 500.00. (2) Materials and goods costing more than Rs. 500 but less than Rs. 15,000 may be purchased at the competitive rates by inviting quotations at least from three reputed dealers. (3) The Panchayat shall invite tenders for purchase of materials and goods costing over Rs. 15,000. On receipt of the tender the same shall be tabulated in case of, Gram Panchayat by the Sarpanch and Secretary and in case of Janpad Panchayat and Zila Panchayat by an Officer nominated by Chief Executive Officer and then in case of Janpad Panchayat or Zila Panchayat, the tender shall be placed before the Chief Executive Officer. (4) Requisitions for purchases shall not be split up so as to bring them under sub-rule (1) or (2). (5) In case of Zila Panchayat and Janpad Panchayat, the Chief Executive Officer shall get scrutinized the rates of quotation or tender by a committee of officers. Officer-in-charge of account section shall inevitably be included in the Committee. (6) The Sarpanch shall place the tenders before General Administration Committee for scrutiny and approval and shall get its sanction. (7) On receipt of the recommendation of the committee constituted under clause (a) of sub-rule (5) sanction up to Rs. 15,000 in a case shall be given by the Chief Executive Officer. In the case exceed Rs. 15,000, the Chief Executive Officer shall place it or cause to be placed it before General Administration Committee or any such committee, as specified by the State Government, to supervise the purchase of material, along with his and committee's opinion for its decision. (8) The General Administration Committee or any such other committee, which has been specified by the State Government, shall sanction the purchase of machines and implements like, Road Roller, Tractor, X-Ray Machine, Drilling Machine etc. after taking technical advice of the Officer-in-charge at district level of that Department.

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 therefor shall be clearly be 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 the 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 groups 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 that according to which the total cost of the probable requirements of all the articles proposed to be taken together works out to be the lowest.

5. Earnest Deposit from the Tender.

- Two per cent of the estimated cost of the material to be supplied, shall be deposited as earnest money, either on cash or by crossed bank draft in favour of the concerned Panchayat.

6. 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.

7. Rates.

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

8. No avoidable delay in disposal of tender.

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

9. 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 office of the Sarpanch and at such other places as it may deem fit; (b) by advertisement in at least one daily newspaper circulating in the district, where previous estimated cost is more than Rs. 25,000/-; (c) by advertisement in at least 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 can not 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 falling under clauses (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) that 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 to be responsible for the compensation if Panchayat is put to loss by recalling tenders. The amount of loss shall be recoverable as arrears of land revenue.

10. 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.

11. 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.

12. Purchase to which these rules shall not apply.

- Nothing contained in these rules shall apply to the purchase of :- (i) Stores through the Indian Stores Department; (ii) Such articles, through Corporation, Board or enterprises of State Government which are competent to supply such articles; (iii) Such articles, through dealing institute registered with the Central or the Madhya Pradesh State Khadi and Gramodyog Board which are authorised to supply such articles; (iv) Such articles, through the production, consumer co-operative institutions registered in the State, for which their institution are authorised to supply; (v) Fuel from standing firms, for its distribution and supply or from their authorised agents at the rates for the time being in force; (vi) Articles from jails; (vii) Medicines through Medical Store Department; (viii) Articles from manufacturing units started and belonging to the Janpad Panchayat or Zila Panchayat or District Marketing and supply agency; (ix) Articles from other such institutions as notified by the State Government.

13. Purchase after obtaining Non-availability Certificate.

- The material which, under Store Purchase Rules, of the State Government, is intended to be purchased through Agro Industries Development Corporation, Laghu Udyog Nigam, Khadi Gram-Udyog, Charma Vikas Nigam, Hastshilp Vikas Nigam, etc. shall be purchased from open market only after obtaining non-availability certificate from them, complying with the said procedure in the rules.

14. Receipt of the Material.

- On receipt of the goods or materials 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 as to the correct standard and quality of supplied material as per sample.

15. Repeal.

- From the date of final publication of these rules in the "Madhya Pradesh Gazette" the Gram Panchayat (Purchase of Material and Goods) Rules, 1963, the Janpad Panchayat (Purchase of Material and Goods) Rules, 1963 and the Zila Panchayat (Purchase of Material and Goods) Rules, 1963 are hereby repealed.