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राजस्थान राज-पत्र
विशेषांक

RAJASTHAN GAZETTE
Extraordinary

साधिकार प्रकाशित

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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

FINANCE (SPFC) DEPARTMENT

NOTIFICATION

Jaipur, February 16, 2018

G.S.R.125 .-In exercise of the powers conferred by section 55 of the Rajasthan Transparency in Public Procurement Act, 2012 (Act No. 21 of 2012), the State Government hereby makes the following rules further to amend the Rajasthan Transparency in Public Procurement Rules, 2013, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Transparency in Public Procurement (Amendment) Rules, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 58.- The existing clause (e) of sub-rule (1) of rule 58 of the Rajasthan Transparency in Public Procurement Rules, 2013, hereinafter referred to as the said rules, shall be substituted by the following, namely:-

“(e) Taxes as applicable, shall be shown separately;”.

3. Amendment of rule 61.- In sub-rule (2) of rule 61 of the said rules, for the existing expression “audited statement of accounts, VAT clearance certificate, PAN, etc.”, the expression “audited statement of accounts, PAN, etc.” shall be substituted.

4. Deletion of rule 66.- The existing rule 66 of the said rules shall be deleted.

5. Amendment of rule 73.- The existing sub-rule (2) of rule 73 of the said rules shall be substituted by the following, namely:-

"(2) Orders for extra items may be placed by the procuring entity in accordance with the Schedule of Powers as prescribed by the Finance Department, upto 5% of the value of the original contract, if allowed in the bidding documents. The fair market value of such extra items payable by the procuring entity to the contractor shall be determined by the procuring entity in accordance with guidelines prescribed by the administrative department concerned.

(3) Orders for additional quantities may be placed, if allowed in the bidding documents, on the rates and conditions given in the contract and the original order was given after inviting open competitive bids. Delivery or completion period may also be proportionately increased. The limits of orders for additional quantities shall be as under:-

- (a) 50% of the quantity of the individual items and 50% of the value of original contract in case of works; and
- (b) 50% of the value of goods or services of the original contract;

Provided that in exceptional circumstances and without changing the scope of work envisaged under the contract, a procuring entity may procure additional quantities beyond 50% of the quantity of the individual items as provided in the original work order with prior approval of the Administrative Department concerned as follows:-

- (i) the procuring entity shall obtain prior approval for revised requirements from the competent authority for reasons to be recorded in writing. Wherever necessary, due to the quantum of orders for additional quantities, the procuring entity shall obtain prior and revised technical, financial and administrative sanctions from the competent authorities;

- (ii) that the additional quantities so procured shall be part and parcel of the work being executed;
- (iii) that the limit of 50% of the value of original contract shall not be exceeded in any case."

6. Amendment of rule 79N.- In rule 79N of the said rules,-

- (i) at the end of sub-rule (3), for the existing punctuation mark ".", the punctuation mark ":" shall be substitute; and
- (ii) after the sub-rule(3), so amended, the following new proviso shall be added, namely :-

"Provided that, if the Lead Member of the joint venture or consortium intends to exit the joint venture or consortium, then, the proposed exit may be allowed by the Administrative Department concerned after ensuring the following, namely :-

- (a) The provisions relating to terms and conditions for such exit have been clearly specified in the bidding document and in the contract entered into by procuring entity with the joint venture or consortium, whose lead member intends to exit;
- (b) A written request, along with submitting an in-principle approval from other members of the joint venture/consortium, lender, competent member proposed to be substituted in place of the lead member etc., has been made by the lead member to the Administrative Department for such exit;
- (c) Such exit shall be sanctioned by the Administrative Department only after expiry of at least two years from the date of completion of the Project;
- (d) All necessary measures shall be taken by Administrative Department to ensure that such exit shall not negatively affect the operation and maintenance of the Project;

- (e) No such exit shall be allowed, until and unless a competent substitute is duly proposed for replacement in the joint venture/ consortium and such replacement is diligently approved by the Administrative Department;
- (f) The lead member shall be under an obligation to clear all government dues pending against the lead member on the date of application for such exit and, thus, the Administrative Department concerned shall ensure there are no outstanding dues, whatsoever, against the lead member on the date of such exit.”

[F. 2(1)/FD/SPFC/2017]

By Order of the Governor,

Manju Rajpal,

Secretary to the Government.

Government Central Press, Jaipur.