

Corrigendum – 1 to Delegation of Powers dated 17/03/2023

- (i) The amendment to section D.2 of DoP dated 17/03/2023 is undertaken to address typographical error. Further, the column indicating the powers of CMD in the revised DoP is indicated for reference purpose only and in case of any inadvertent contradiction with the existing DoP of CMD issued in 2008, the existing DoP of CMD shall invariably prevail in all matters.
- (ii) In addition to addressing the typographical errors, certain new insertions are also incorporated in Corrigendum – 1, for providing clarity of interpretation and for addressing the operational requirements.

D	INVITATION OF TENDER & AWARD OF CONTRACT/WO/PO							
S No.	Nature of Powers	CMD	FD	HOP	HOD(HO)	HOD(Proj)	HOU / HO(RO)	Remarks
1	Packages under DPR & New Works / Procurement of goods – planned and unplanned & Deposit works	Rs.50 cr	OTE- Rs.30 cr LTE-Rs.10 cr STE- Proprietary - Rs.2 cr STE- Nomination – Rs.1 cr	OTE- Rs.20 cr LTE- Rs.2 cr STE- Proprietary Rs.1 cr STE- Nomination – Rs.50 lakhs	OTE- Rs.10 cr LTE-Rs.2 cr STE-Rs.1 cr STE- Nomination – Rs.50 lakhs	OTE- Rs.2 cr LTE-Rs.20 lakhs	OTE- Rs.1 cr LTE – Rs.10 lakhs	Invitation of tenders (i) Issue of Tender to be based on standard clauses / guidelines issued from time to time (ii) The PQC for OTE along with deviation statement to standard clauses (including justification) to be concurred by Finance. (iii) Mode of tendering to be concurred in case of LTE/STE (iv) Rate contracts for operational works / procurement through OTE/LTE/STE shall also be included (v) For O&M works/rate contracts for procurement, services and works, the financial ceiling is for annualized value.
2.	Operational & Maintenance works - core activities + non core +	(Full Powers) To be read as Rs.50 cr	OTE (Rs.100 crores) To be read as Rs.30 cr	OTE- Rs.20 cr	OTE- Rs.20 cr	OTE- Rs.5 cr	OTE- Rs.5 cr	(vi) For proprietary procurement at HO, proprietary certificate to be signed by HOP/HOD-HO/HOU/HO-RO & for other cases the respective head of user department shall sign it. Further, for cases requiring approval of CMD

	procurement+ Insurance		LTE-Rs.20 cr STE- Proprietary - Rs.5 cr STE- Nomination – Rs.2 cr	LTE- Rs.10 cr STE- Proprietary - Rs.2 cr STE- Nomination – Rs.1 cr	LTE-Rs.10 cr STE- Proprietary Rs.1 cr	LTE-Rs.1 cr	LTE- Rs.1 cr STE- Proprietary- Rs.50 lakhs	and above, the proprietary certificate shall be counter signed by the concerned FD. (vii) For D 2. STE – Proprietary shall pertain to works from OEM/OPM only Evaluation & Award of work (i) Evaluation of offers and award of work on basis of TSC recommendations without Financial concurrence upto FD level (ii)The initial discovered L1 price shall form the basis for determining the C/A for seeking subsequent approvals till finalization of the case. During tender process if a case is escalated to higher authority all subsequent approvals shall be sought from same authority till finalization of the case (iii) The respective C/A shall exercise full powers for award of work, subject to regularization of additional expenditure on account of tender premium, if any, before the actual expenditure breaches the budget sanction. User department shall process for necessary approvals for additional budget sanction.(No FC) <u>(iv) Single Offer against OTE / LTE</u> - In case of receipt of single valid offer / techno-commercially acceptable offer against <i>OTE</i> or <i>LTE</i>, the same shall be considered as <i>Single Tender</i> for the purpose of seeking approval of Competent Authority as per <i>DOP</i> (clause no. 5.6.7 of Manual for Procurement of Works - 2022)
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- (iii) Para 13 of Guidelines / Preamble for exercise of Powers

Confidentiality of the tender process :Tender file to be treated as confidential till such time final decision is reached. - Information relating to the examination, clarification, evaluation & comparison of bids and recommendations for the award of contract, shall not be disclosed to the bidders or any other person not officially connected with such process until the award to successful bidder has been announced.(clause no. 5.4.1(i) of Manual for Procurement of Works - 2022)

- (iv) Para 9 of Standard Operating Procedure

9.0 Roles & Responsibility of the TSC members:

- 9.1 *Constitution of TSC : Competent Authority for constitution of TSC shall be the same authority who is competent for issue of tender enquiry, except for cases requiring approval of CMD and higher authorities wherein FD shall continue exercise full powers for constitution of TSC.*
- 9.2 Based on the Comparative Statement prepared by the dealing officer of the executing dept, the TSC shall scrutinize the tenders received against the Notice Inviting Tender (NIT) and confirm the receipt of the tender essentials such as EMD, Solvency Certificate, Letter of Undertaking, Integrity Pact etc., under Part I of the Tender.
- 9.3 The TSC shall confirm the receipt of all other documentation and other information envisaged under Part II of the tender required for further processing of the tenders.
- 9.4 *Non-receipt of Integrity Pact with bid - In case of non-receipt of any bid / offer without accompanying Integrity Pact (wherever mandated as per the terms of the tender), the respective bid / offer shall be considered to be non-responsive and summarily rejected. However, if the bidder has submitted Integrity Pact in its original offer, but the same is not in conformity with the tender stipulations, the respective bidder may be provided an opportunity to submit the revised Integrity Pact as per the prescribed format, failing which the bid / offer shall be rejected. (clause no. 7.3 of Manual for Procurement of Works - 2022).*
- 9.5 *Discrepancies between Original and Scanned Documents in E-tender - In case of any discrepancy between original & scanned documents submitted by any bidder in case of e-tender, the original copy shall prevail over the scanned copy of the respective document. Under such circumstance, the issue should be conveyed to the bidder for addressing the*

matter within a target date, failing which the offer shall be liable for rejection. (clause no. 5.4.3 of Manual for Procurement of Works - 2022)

9.6 Clarification of Bids / Shortfall Documents - No post-bid clarification at the initiative of the bidder shall be entertained by NMDC. In case of any shortfall of documents, NMDC shall seek the respective clarifications from the concerned bidders. However, no new credentials shall be allowed to be submitted after the opening of the bids. (clause no. 5.4.5 of Manual for Procurement of Works - 2022).

- 9.7 The TSC shall as a collective body, sign off on the recommendations for approval of the Competent Authority. Thus the responsibility of the members of the TSC is joint and several.
- 9.8 The TSC shall evaluate the eligibility of the bidder with regard to the Pre-Qualification Criteria envisaged in the NIT.
- 9.9 On acceptance of techno commercial recommendations of the TSC by the Competent Authority, the price bid will be opened and based on the Price Comparative statement prepared by the dealing Officer of the executing dept, TSC shall identify the Lowest bidder and evaluate the reasonability of the price for acceptance or otherwise.
- 9.10** TSC shall record all the significant issues for giving conclusive recommendation to the Competent Authority. The TSC recommendations shall be objective, unambiguous and categorical and shall be supported by facts and figures, wherever required.
- 9.11** In case of any major difference of opinion between the TSC members, the dissenting member may record his dissent along with details thereof for enabling the Competent Authority to arrive at a holistic view. The detailed modality in case of dissent by Finance member is given in the DOP at point 14 of Guidelines/Preamble for exercise of powers.
- 9.12 In case of dissent by any other member, the following methodology may be followed:

Handling Dissent among Tender Committee

All members of the TSC should resolve their difference through personal discussions instead of making to and fro references in writing. In cases where it is not possible to come to a consensus and differences persist amongst TSC members, the reasons for dissent of a member should be recorded in a balanced manner along with the majority's views on the dissent note. The final recommendations should be that of the majority's views and such situations should

be rare. The Competent Authority (CA) can overrule such dissent notes after recording reasons for doing so clearly. His decision would be final.

In cases where the CA does not agree with the majority or unanimous recommendations of the TC, he should record his views and, if possible, firstly send it back to TC to reconsider along with the lines of the tender accepting authority's views. However, if the TC, after considering the views of the CA, sticks to its own earlier recommendations, the CA can finally decide as deemed fit, duly recording detailed reasons. He will be responsible for such decisions. However, such situations should be rare.