

Bihar Government
Finance Department
Notification

No. M -4-03/2022 13183/F

Patna, Date: 09-12-2024

In exercise of the powers conferred by Article-282(2) of the Constitution of India, the Governor of Bihar is pleased to make the following rules to amend the Bihar Financial Rules, 1950 (As amended from time to time):-

Bihar Financial (Amendment) Rules, 2024

(1) Short title, extent and commencement:

- a. These rules may be called "Bihar Financial (Amendment) Rules, 2024".
- b. It shall extend to the whole of the State of Bihar.
- c. It shall have come into force with immediate effect.

(2) Deletion of sub-rule (XIX), (XX), (XXII) of Rule 30- General Principles of Contracts of the Bihar Financial Rules (as amended from time to time) and Substitution of provisions of Rule-124, 125, 126, 127, 128, 129, 130, 131 & 131A to 131ZP relating to Procurement of Goods and Services of the Bihar Financial Rules (as amended from time to time) by the rules 124, 125, 126, 127, 128, 129, 130, 131 and 131A to 131ZZB as below:-

Rule No.	Bihar Financial (Amendment) Rules, 2024
124	Application
	(1) This chapter contains the general rules applicable to all procuring entities {referred in sub-rule (2) below}, regarding public procurement of goods and services required for use in the public service.
	(2) For the purpose of this rule, "Procuring Entity" (PE) means; <ol style="list-style-type: none">a. Any department of the State Government or it's attached or subordinate office(s);b. Any body established or constituted by the constitution of India whose expenditure is met from the Consolidated Fund of State; andc. Any body or board or corporation or public sector enterprise or authority or society or trust or autonomous body (by whatever name called) established or constituted by an Act of the State

	Legislature, or a body owned or controlled or financed by the State Government.
	<p>(3) Notwithstanding anything contained in sub-rule (1) above, the provisions of this rule shall not apply to a Procuring Entity in case of any obligation of the State Government under or arising out of any agreement,</p> <p>a. Entered with an intergovernmental, international financing institution or multilateral development agencies or bilateral development agencies namely World Bank, Asian Development Bank (ADB), Foreign, Commonwealth & Development Office (FCDO), etc. for procurement of goods and services (funded by loan or grant) where compliance of procurement guidelines of such agency is mandated; or</p> <p>b. To which it is party with one or more other State Governments or with the Government of India, and the requirements of such agreement shall prevail over the provisions of this rule.</p> <p>Provided that the State Government shall satisfy itself that the procurement procedure stipulated in terms of such agreement, are in consonance with the basic principles of public procurement.</p>
	(4) Detailed instructions relating to procurement of goods/services may be issued by the procuring administrative departments/ procuring entities broadly in conformity with the general rules contained in this Chapter.
125	Definition of Goods
	The term 'goods' used in this chapter includes all articles, material, commodity, livestock, furniture, fixtures, raw material, spares, instruments, machinery, equipment, industrial plant, vehicles, aircraft, ships, medicines,

	<p>assemblies, subassemblies, accessories, a group of machineries comprising of an integrated production process or such other category of goods or intangible products like software, technology transfer, licenses, patents or other intellectual properties purchased or otherwise acquired for the use of Government but excludes books, publications, periodicals, etc. for a library.</p> <p>The term 'goods' also includes works and services which are incidental or consequential to the supply of such goods, such as, transportation, insurance, installation, commissioning, training and maintenance.</p>
126	<p>Fundamental Principles of Public Procurement (for all procurements including procurement of works)</p>
	<p>(1) Every procuring entity delegated with the financial powers of procurement of goods and services in public interest shall have the responsibility and accountability to bring efficiency, economy, and transparency in matters relating to public procurement and for fair and equitable treatment of suppliers and promotion of competition in public procurement. The procedure to be followed in making public procurement must conform to the following parameters: -</p>
	<p>i. The description of the subject matter of procurement to the extent practicable should-</p> <ul style="list-style-type: none"> a. be objective, functional, generic and measurable and specify technical, qualitative and performance characteristics. b. not indicate a requirement for a particular trademark, trade name or brand.
	<p>ii. The specifications in terms of quality, type etc., as also quantity of goods to be procured, should be clearly spelt out keeping in view the specific needs of the procuring organisations. The specifications so worked out should meet the basic needs of the organisation without including superfluous and non-essential features, which may result in unwarranted expenditure.</p>

	iii. Care should also be taken to avoid purchasing quantities in excess of requirement to avoid inventory carrying costs.
	iv. Offers should be invited following a fair, transparent and reasonable procedure.
	v. The procuring entity should be satisfied that the selected offer adequately meets the requirement in all respects.
	vi. The procuring entity should satisfy itself that the price of the selected offer is reasonable and consistent with the quality required.
	vii. At each stage of procurement, the concerned procuring entity must place on record, in precise terms, the considerations while taking the procurement decision.
	(2) Restriction on procurement from certain countries: Notwithstanding anything contained in these rules, Department of Expenditure may, by order in writing, impose restrictions, including prior registration and/ or screening, on procurement from bidders from, or bidders having commercial arrangements with an entity from, a country or countries, or a class of countries, on grounds of defence of India, or matters directly or indirectly related thereto including national security; no procurement shall be made in violation of such restrictions.
127	Authorities competent to purchase goods
	An authority which is competent to incur contingent expenditure may sanction the purchase of goods required for use in public service in accordance with provisions in the Delegation of Financial Powers, following the general procedure contained in the following rules.
128	Powers for procurement of goods and Services
	The Administrative Departments have been delegated full powers to make their own arrangements for procurement of goods and services and issue necessary directions to its subordinate or attached offices, as prescribed by the State Government from time to time.

	In case however, a Administrative Department/Procuring Entity does not have the required expertise, it may purchase through the State Purchase organisation with the approval of competent authority.
129	Designation of State Purchase Organisation
	State Government may designate one or more organizations as State Purchase Organisation for the procurement of any particular class of goods or services keeping in view the expertise developed or to be developed. Administrative Departments/Procuring Entities may take decisions for procurement of such goods and services as per requirement from State Purchase Organisation.
130	Government e-Marketplace (GeM)
	Government of India has established the Government e-Marketplace (GeM) for common use goods and services. GeM Special Purpose Vehicle (SPV) shall ensure adequate publicity including periodic advertisement of the items to be procured through GeM from the prospective suppliers. All the Administrative Departments of the State Government can procure Goods/Services available on the GeM portal as per their requirement. The credentials of suppliers on GeM shall be certified by GeM Special Purpose Vehicle (SPV). The procuring entities will certify the reasonability of rates. The GeM portal shall be utilized by the procuring entities for direct on-line purchases as under:-
	i. <u>Direct Purchase mode</u> - Up to Rs. 50,000/- (Rupees Fifty Thousand only) through any of the available suppliers on the GeM, meeting the requisite quality, specification and delivery period.
	ii. <u>L1 mode</u> - Above Rs.50,000/- (Rupees Fifty Thousand only) and up to Rs.10,00,000/- (Rupees ten Lakh only) through the GeM Seller having lowest price amongst the available sellers {excluding automobiles where current limit of Rs. 30,00,000/- (Rupees Thirty Lakh only) or such amount as prescribed by Finance Department}, of at least three different manufacturers, on GeM, meeting the requisite quality, specification and delivery period. The tools for online bidding and online

	reverse auction available on GeM may be used by the buyers even for procurements less than Rs 10,00,000/- .(Rupees ten Lakh)
	iii. <u>Bid/Reverse Auction</u> -Above Rs.10,00,000/- (Rupees ten Lakh) through the supplier having lowest price meeting the requisite quality, specification and delivery period after mandatorily obtaining bids, using online bidding provided on GeM. Procuring entities may adopt reverse auction tool as per requirement provided on GeM.
	iv. The invitation for the online e-bidding/reverse auction will be available to all the existing Sellers or other Sellers registered on the portal and who have offered their goods/services under the particular product/service category, as per terms and conditions of GeM.
	v. The above-mentioned monetary ceiling (as amended from time to time) is applicable only for purchases made through GeM. For purchases, if any, outside GeM, relevant rules under Bihar Financial Rules (as amended from time to time) shall apply.
	vi. The Procuring Entity may ascertain the reasonableness of prices before placement of order using various tools available on GeM including the last purchase price on GeM, Procuring Entity's own Last Purchase Price etc.
	vii. A demand for goods shall not be divided into small quantities to make piecemeal purchases to avoid procurement through L1 Buying / bidding / reverse auction on GeM or the necessity of obtaining the sanction of higher authorities required with reference to the estimated value of the total demand.
	viii. Procuring entity may specify additional terms and conditions when procuring through GeM and shall be applicable on the said procurement.
	ix. In exceptional circumstances such as State visit of very important persons or at the time of natural calamities such as flood, earthquake etc. when it is essential to

	procure the goods/services immediately, the purchase can be made outside the GeM Portal after getting the sanction of the competent authority i.e. the Additional chief Secretary/Principal Secretary/Secretary at the State level and the District Magistrate at the District level, as the case may be, with reasons to be recorded in writing.
130 A	Code of Integrity in procurement-
	(1) No officer or employee of a Procuring Entity or a person participating in a procurement process shall act in contravention of the code of integrity as prescribed hereunder.
	(2) In case of any breach of the code of integrity by a bidder or prospective bidder, as the case may be, the Procuring Entity may take appropriate measures as prescribed in these rules.
	<p>(3) No official of a procuring entity or a bidder shall act in contravention of the code of integrity which includes:</p> <p>(a) Prohibiting;</p> <ul style="list-style-type: none"> (i). any offer, solicitation or acceptance of any bribe, reward or gift or any material benefit, either directly or indirectly, in exchange for an unfair advantage in the procurement process or to otherwise influence the procurement process; (ii). any omission, including a misrepresentation that may mislead or attempt to mislead so as to obtain a financial or other benefit or avoid an obligation; (iii). any collusion, bid rigging or anti-competitive behaviour to impair the transparency, fairness and progress of the procurement process; (iv). improper use of information shared between the Procuring Entity and the bidder with an intent to gain unfair advantage in the procurement process or for personal gain; (v). any financial or business transactions between the bidder and any official of the procuring entity related to tender or execution process of contract; which can

	<p>affect the decision of the procuring entity directly or indirectly;</p> <p>(vi). any coercion including impairing or harming or threatening to do the same, directly or indirectly to any party or to its property, to influence the procurement process;</p> <p>(vii). any obstruction of any investigation or audit of a procurement process;</p> <p>(viii). making any false declaration or providing false information for participation in a tender process or to secure a contract;</p> <p>(b) disclosure of conflict of interest;</p> <p>(c) disclosure by the bidder of any previous transgressions made in respect of the provisions of sub-rule (3)(a) above with any entity in India or any other country during the last three years or of any debarment by any other Procuring Entity.</p>
	<p>(4) The procuring entity, after giving a reasonable opportunity of being heard, comes to the conclusion that a bidder or prospective bidder, as the case may be, has contravened the code of integrity, may take appropriate measures.</p>
130 B	<p>Approvals and Sanctions Applicable to all Procurements</p>
	<p>(1) Procuring Entity shall ensure that either the requisite budget provision is available or in principle approval from the Finance Department regarding availability of fund.</p> <p>(2) In case of works contract, procuring entity will follow the procedure as prescribed in Bihar Financial Rules, Chapter 9, Rule 199 to 210 related to works of these rules.</p> <p>(3) The procuring entity shall also ensure budget availability before placing the supply/work order to the bidder.</p>
131	<p>Registration of Bidders</p>
	<p>(1) With a view to establishing reliable sources for procurement of goods and services commonly required for Government use which are not available on GeM, the State Purchase Organisation/ Administrative Departments/Head of Department/other Procuring Entities may register and maintain item-wise lists of eligible</p>

	suppliers. Registration of the supplier should be done following a fair, transparent and reasonable procedure and after giving due publicity. Such approved suppliers will be known as "Registered Suppliers". All Procuring Entities may utilize these lists as and when necessary. Such registered suppliers are prima facie eligible for consideration for procurement of goods through Limited Tender Enquiry.
	(2) Credentials, manufacturing capability, quality control systems, past performance, after-sales service, financial background etc. of the bidder(s) should be carefully verified before registration.
	(3) The bidder(s) will be registered for a fixed period (between 1 to 3 years) depending on the nature of the goods or services. At the end of this period, the registered bidder(s) willing to continue with registration are to apply afresh for renewal of registration. New bidder(s) may also be considered for registration at any time, provided they fulfil all the required conditions as prescribed in the guidelines made hereunder.
	(4) Performance and conduct of every registered bidder is to be watched by the concerned State Purchase Organization/Administrative Department/Head of the Department/other Procuring Entities (as the case may be). The registered bidder(s) are liable to be removed from the list of approved bidders if they fail to abide by the terms and conditions of the registration or fail to supply the goods or services on time or supply substandard goods or services or make any false declaration to any Government agency or for any ground which, in the opinion of the Government, is not in public interest.
	(5) Enlistment of Indian Agents: As per the Compulsory Enlistment Scheme of the Department of Expenditure, Ministry of Finance, Government of India, it is compulsory for Indian agents, who desire to quote directly on behalf of their foreign principals, to get themselves enlisted with the State Purchase Organisation or with an Administrative Department or with other Procuring Entities, if they so

	require. Such enlisted Indian agents may quote directly on behalf of their foreign principals.
131 A	Standard Bidding Documents
	(1) The State Government may prescribe the Standard Bidding Documents for different methods of procurement and/or different types of contracts as provided under these rules or guidelines made thereunder.
	(2) In case of complex and innovative types of procurements, the Procuring Entity may not have required knowhow to formulate the provisions of bid documents; in such cases the Procuring Entity may consider inviting a Pre-Notice Bid Conference for deliberation with prospective bidders.
	(3) The Standard Bidding Document may generally contain the following sections depending on the nature of subject matter of procurement; - <ul style="list-style-type: none"> a. Section I – Notice Inviting Bids (NIB) b. Section II – Instruction to Bidders and Bid Data Sheet c. Section III – Schedule of Requirements containing the specifications, drawing and supplementary information that describe the subject matter of procurement. d. Section IV - Qualification and Evaluation Criteria (As applicable) e. Section V – Bidding Forms f. Section VI – General Conditions of Contract (GCC) g. Section VII – Special Conditions of Contract (SCC) h. Section VIII - Price Schedule (to be utilized by the bidders for quoting their prices). i. Section IX – Contract Forms and other forms if any
	(4) The nodal department of the works department may issue Standard Bidding Document (SBD), Model Bidding Document (MBD), Construction-cum-Maintenance Bidding Document (CMBD) etc. The nodal department may issue directions and circulars for determining the eligibility and qualification criteria in regard with technical bid evaluation.
131 B	Purchase Preference in Procurement
	State Government may notify purchase preference policy related provisions for Procurement of Goods & Services from

	<p>industrial unit/ enterprises located within the State of Bihar. Provisions of such Purchase Preference Policy shall have overriding effect on all existing and notified provisions by the State Government in this regard.</p> <p>Note-The State Government has notified Bihar Purchase Preference Policy, 2024 on the grounds of promotion of locally manufactured goods or locally provided services. A Procuring Entity has to provide the benefit to the eligible Local supplier as prescribed under this policy.</p>
131 C	<p>Bid Security</p> <p>(1) To safeguard against a bidder's withdrawing or altering its bid during the bid validity period in the case of advertised or limited tender enquiry, Bid Security (also known as Earnest Money) is to be obtained from the bidders, except from those bidders who are exempted from submission of bid security under Bihar Purchase Preference Policy, 2024 as amended from time to time.</p> <p>(2) The bidders should be asked to furnish bid security along with their bids. Amount of bid security should ordinarily range between two percent (2%) to five percent (5%) of the estimated value of the goods or services to be procured. The exact amount of bid security should be determined accordingly by the Procuring Entity and indicated in the bidding documents.</p> <p>(3) The bid security may generally be taken in the form of deposit through Government Portal or unequivocal and unconditional Bank Guarantee, preferably in the electronic form or in specified format. The bid security may also be accepted in the form of Account Payee Demand Draft, Banker's Cheque from any of the Commercial banks, safeguarding the purchaser's interest in all respects. The bid security shall remain valid for a period of forty-five (45) days or as specified in the Notice Inviting Bids, beyond the original or extended validity period of the bid.</p> <p>(4) Bid security instrument shall necessarily accompany the sealed bid in case of manual bidding. However, in case of electronic bidding the bid security shall be furnished along</p>

	with submission of bid as specified in the Notice Inviting Bids.
	<p>(5) The bid security taken from a bidder shall be forfeited in the following cases, namely,</p> <ol style="list-style-type: none"> When the bidder withdraws or modifies its bid after opening of bids; When the bidder does not execute the agreement, if any, after placement of supply/work order within the specified period; When the bidder does not deposit the performance security within specified period after the supply/work order is placed; and If the bidder breaches any provision of code of integrity prescribed for bidders specified in Rule 130A.
	(6) Bid securities of the unsuccessful bidders should be returned to them at the earliest after expiry of the final bid validity and latest on or before the 30 th day after the award of the contract.
131 D	Procuring Entity's Right to Vary Quantity
	(1) Orders for additional quantities may be placed, if allowed in the bidding documents (mandatorily included), on the rates and conditions given in the contract. Delivery or completion period may also be proportionately increased, subject to condition that such additional quantities shall not be entertained after the completion of the contract. The limits of orders for additional quantities shall not exceed 20% of the value of the contract in case of goods, works and non-consulting services by the Procuring Entity.
	(2) The limits of order for additional quantities for consultancy services may be extended up to 20% with the approval from Administrative Department.
	(3) Any further revision of limits of order for additional quantities of more than 20% shall be approved by the Finance Department.

131 E	Dividing orders into small quantities
	A demand for goods should not be divided into small quantities to make piecemeal purchases to avoid the necessity of obtaining the sanction of higher authority required with reference to the estimated value of the total demand.
131 F	Cancellation of Procurement Process
	(1) A Procuring Entity may, for reasons to be recorded in writing, cancel the process of procurement initiated by it, at any time prior to the issuance of supply/work order.
	(2) The decision of the Procuring Entity to cancel the procurement and reasons for such decision shall be immediately communicated to all those bidders who participated in the procurement process.
	(3) If any procurement process has been cancelled, it shall not be reopened but it shall not prevent the procuring entity from initiating a new procurement process for the same subject matter of procurement, if required.
131 G	Purchase of goods without quotation
	Purchase of goods up to the value of Rs. 50,000 (Rupees Fifty Thousand only) on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority in the following format. "I,..... am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from a reliable supplier at a reasonable price."
131 H	Purchase of goods by Purchase Committee
	In case a certain item is not available on the GeM portal, purchase of goods of value above Rs. 50,000 (Rupees fifty thousand only) and up to Rs.5,00,000 (Rupees Five lakh only) on each occasion may be made on the recommendations of a duly constituted 'Local Purchase Committee' consisting of three members of an appropriate level as decided by the competent authority and as prescribed in 'Delegation of Financial Power'. The committee will survey the market to ascertain the reasonableness of rate, quality and specifications and

	<p>identify the appropriate supplier. Before recommending placement of the purchase order, the members of the committee will jointly record a certificate as under.</p> <p>"Certified that we,..... members of the purchase committee are jointly and individually satisfied that the goods recommended for purchase are of the requisite specification and quality, priced at the prevailing market rate and the supplier recommended is reliable and competent to supply the goods in question, and it is not debarred by Nodal Department or Department concerned."</p>
131 I	Purchase of goods directly under rate contract.
	(1) Procuring entity may procure rate contracted goods through State Purchase Organisation from suppliers- The Procuring Entities may enter rate contract for designated goods and services from suppliers.
	(2) The prices to be paid for such goods shall not exceed those stipulated in the rate contract and other salient terms and conditions of the purchase should be in line with those specified in the rate contract. The Administrative Department/Procuring entity shall make its own arrangement for inspection and testing of such goods where required.
	(3) The State Purchase Organisation (as notified by state Government from time to time) should host the specifications, prices and other salient details of different rate contracted items, appropriately updated, on the website for use by the Procuring entity.
131 J	Purchase of goods by obtaining bids
	<p>Except in cases covered under Rule 131G, 131H and 131I, Procuring entity shall procure goods under the powers referred to in Rule 128 and works under the powers referred to in Rule 208-209 of Section-I of Chapter 9 under Bihar Financial Rules (as amended from time to time) by following the standard method of obtaining bids in:</p> <p>(i) Advertised Tender Enquiry; or</p> <p>(ii) Limited Tender Enquiry; or</p> <p>(iii) Single Tender Enquiry/Nomination; or</p> <p>(iv) Electronic Reverse Auctions; or</p>

	(v) Any other method of procurement notified by the State Government satisfying the principles of procurement contained in these rules which the State Government considers necessary in public interest.
131 K	E-Publishing
	(1) All the Procuring Entities may publish their tender enquiries, corrigenda thereon and details of bid awards on the State portal as notified from time to time.
	(2) The above instructions apply to all Tender Enquiries, Requests for Proposals, Requests for Expressions of Interest, notice for pre-qualification/ registration or any other notice inviting bids or proposals in any form whether they are advertised, issued to limited number of parties or to a single party.
	(3) These instructions would not apply to procurements made in terms of provisions of Rule 131G and Rule 131H of these rules.
131 L	E-Procurement
	All Procuring Entities shall receive bids (exception of Rule 131G and 131H) through State's e-procurement portal or GeM (as the case may be) in respect of all procurements as far as practicable.
131 M	Advertised Tender Enquiry
	<p>(1) Subject to exceptions incorporated under Rules 131G, 131H, 131N and 131R, invitation to tenders by advertisement should be used for procurement of goods of estimated value of Rs. 50 (Fifty) lakh and above. Advertisement in such cases should be given on GeM or State's e-Procurement Portal (as applicable). In case of procurement outside GeM, advertisement in such case should be published in at least two daily newspapers having wide circulation through Information and Public Relation Department (IPRD), Bihar.</p> <p>Note-Publication of NIT (Notice Inviting Tender) for procurement up to Rs. 5 crore should be given in State daily newspaper and in case of procurement above Rs. 5 crore publication should also be given at least in one national daily newspaper.</p>

	<p>(2) An organisation having its own website should also publish all its advertised tender enquiries on the website. It should also publish the said website address by advertisement in at least one daily newspaper.</p>
	<p>(3) The organisation should also post the complete bidding document on its website and permit prospective bidders to make use of the document downloaded from the website. If such a downloaded bidding document is priced, there should be clear instructions for the bidder to pay the amount by demand draft etc. along with the bid. In order to promote wider participation and ease of bidding, the Administrative Departments/Procuring Entities may decide not to charge for the tender documents downloaded by the bidders.</p>
	<p>(4) Global Tender Enquiry (GTE):- Where the Procuring Entity feels that the goods of the required quality, specifications etc., may not be available in the country and it is necessary to also look for suitable competitive offers from abroad, the Procuring Entity may send copies of the tender notice to the Indian Embassies abroad as well as to the foreign Embassies in India. The selection of the embassies will depend on the possibility of availability of the required goods in such countries. In such cases e-procurement may be relaxed.</p> <p>No GTE, however, shall be invited for tenders up to INR 100 Crore or such limit as may be prescribed by the Finance Department.</p> <p>Provided that for tenders below such limit, in exceptional cases where the Procuring Entity feels that there are special reasons for GTE, it may record its detailed justification and seek prior approval for relaxation to the above rule from the competent authority notified by the Finance Department.</p> <p>Note-Global Tenders means the tenders that are floated globally due to less competition in own country, or there is a particular requirement of the tender (any material, etc.) which are not available in our country. The basic difference assumed between an open tender and a global</p>

	tender enquiry is essentially the range of its applicability, while a global tender gets the worldwide publicity; an open tender is limited only within a country.
	(5) Ordinarily, the minimum time to be allowed for submission of bids should be three weeks from the date of publication of the tender notice or availability of the bidding document for sale, whichever is later. Where the Procuring Entity also contemplates obtaining bids from abroad, the minimum period should be kept as four weeks for both domestic and foreign bidders.
131 N	Limited Tender Enquiry
	<p>(1) This method may be adopted when estimated value of the goods to be procured is up to Rs. 50 (Fifty) Lakh or such limit as notified by Finance Department from time to time. Copies of the bidding document should be sent directly by speed post/registered post/courier/ email to firms which are borne on the list of registered suppliers for the goods in question as referred under Rule 131 above. The number of supplier firms in Limited Tender Enquiry should be more than three.</p> <p>Efforts should be made to identify a higher number of approved suppliers to obtain more responsive bids on competitive basis.</p> <p>Further, a Procuring Entity should publish its limited tender enquiries on e-Procurement Platform or any other platform (as applicable) or on the Departmental website.</p>
	<p>(2) Purchase through Limited Tender Enquiry may be adopted even where the estimated value of the procurement is more than Rs. 50 (Fifty) Lakh, in the following circumstances: -</p> <p>a. The competent authority in the Administrative Department/Procuring Entity certifies that the demand is urgent, and any additional expenditure involved by not procuring through advertised tender enquiry is justified in view of urgency. The Procuring Entity should also put on record the nature of the urgency and reasons why the procurement could not</p>

	<p>be anticipated which should be approved by the concerned Administrative Department.</p> <p>b. There are sufficient reasons, to be recorded in writing by the competent authority, indicating that it will not be in public interest to procure the goods through advertised tender enquiry.</p> <p>c. The sources of supply are definitely known and possibility of fresh source(s) beyond those being tapped is remote.</p>
	<p>(3) Generally sufficient time should be allowed for submission of bids in cases of Limited Tender Enquiry which will not be less than 10 (ten) days. However, the Procuring Entity may decide such time keeping in view the urgency of procurement.</p>
131 O	<p>Two bid system (simultaneous receipt of separate technical and financial bids)</p>
	<p>(1) For purchasing high value plant, machinery etc. and goods/ services of a complex and technical nature, bids should be obtained in two parts as under:</p> <ol style="list-style-type: none"> Technical bid consisting of all technical details along with commercial terms and conditions; and Financial bid indicating item-wise price for the items mentioned in the technical bid. <p>(2) The technical bid and the financial bid should be sealed by the bidder in separate covers duly super-scribed and both these sealed covers are to be put in a bigger cover which should also be sealed and duly super-scribed. The technical bids are to be opened by the Procuring Entities at the first instance in the presence of bidders after intimating them the date and time of opening the technical bid and evaluated by a competent committee or authority.</p> <p>(3) At the second stage financial bids of only these technically acceptable offers should be opened after intimating them the date and time of opening the financial bid for further evaluation and ranking before awarding the contract.</p>

131 P	<p>Single Bid</p> <p>(1) In general, a minimum of two bids shall be required for opening of bids. Single bid may be considered as 'no bid' in the first instance.</p> <p>(2) In the following cases, a bid is considered to be a single bid: -</p> <ul style="list-style-type: none"> a. Only one bid received by the Procuring Entity during first time tender, or b. No bid has been received by the Procuring Entity, or c. Two or more bids are received by the Procuring Entity but after evaluating the technical bids received by the procuring entity only one bidder qualifies, means only one bidder's financial bid remains for the evaluation. <p>(3) All the above three situations are the case of single bid/no bid at first instance. The procuring entity shall cancel the bid and re-invite the tender immediately. The time for submission of bid should not be less than 10 (ten) days.</p> <p>(4) Even after re-inviting tender, only one bid is received or only one bid remains for evaluation of financial bid after technical evaluation, then the procuring authority in this matter shall take further action with due approval of Competent Authority as prescribed in Appendix 16.</p> <p>(5) Similar amendment shall be required to be made by concerned administrative department in the Bihar Public Works Code.</p>
131 Q	<p>Late Bids</p> <p>In the case of advertised tender enquiry/limited tender enquiry /any other tendering process, late bids (i.e. bids received after the specified date and time for receipt of bids) should not be considered.</p>
131 R	<p>Single Tender Enquiry/Selection on Nomination basis</p> <p>Procurement from a single source may be resorted in the interest of the State with due approval from competent authority (as prescribed in Appendix 16) in the following exceptional circumstances: -</p> <ul style="list-style-type: none"> (i) It is in the knowledge of the concerned Administrative Department/Procuring Entity that only a particular firm is

	<p>the manufacturer of the required goods and the reason for procuring from a particular firm is to be recorded and approval of competent authority is obtained.</p> <p>(ii) For standardization of machinery or spare parts (including hardware and software), to be compatible to the existing sets of equipment (on the advice of a competent technical expert and approved by the competent authority), the required item is to be purchased only from a selected firm.</p> <p>(iii) In a case of emergency, the required goods are necessarily to be purchased from a particular source and the reason for such decision is to be recorded and approval of the competent authority should be obtained.</p> <p>Note: Proprietary Article Certificate in the following form is to be provided by the Procuring Entity before procuring the goods from a single source under the provision of Sub-Rule (i) and (ii) above as applicable.</p> <p>(i) The indented goods are manufactured by M/s.....</p> <p>(ii) No other make or model is acceptable for the following reasons :.....</p> <p>(iii) Concurrence of Internal Financial Advisor/Finance Department to the proposal vide:</p> <p>(iv) Approval of the competent authority vide:</p> <p>(Signature with date and designation of the indenting officer)</p>
131 S	<p>Electronic Reverse Auction (e-Reverse Auction)</p> <p>(1) Electronic Reverse Auction means an online real-time purchasing technique utilized by the procuring entity to select the successful bid, which involves presentation by bidders of successively more favourable bids during a scheduled period of time and automatic evaluation of bids.</p> <p>(2) A procuring entity may choose to procure a subject matter of procurement by the electronic reverse auction method, if,</p> <p>a. It is feasible for the procuring entity to formulate a detailed description of the subject matter of the procurement.</p>

	<ul style="list-style-type: none"> b. There is a competitive market of bidders anticipated to be qualified to participate in the electronic reverse auction, so that effective competition is ensured. c. The criteria to be used by the procuring entity in determining the successful bid are quantifiable and can be expressed in monetary terms. and d. selection of successful bidder is to be done by Least Cost Selection Method. <p>(3) The procedure for electronic reverse auction shall include the following, namely:</p> <ul style="list-style-type: none"> a. The procuring entity shall solicit bids through an invitation to the electronic reverse auction to be published or communicated in accordance with the provisions similar to e-procurement. b. The invitation shall, in addition to the information as specified in e-procurement, include details relating to access to and registration for the auction, opening and closing of the auction and norms for conduct of the auction; and c. Any other guidelines and procedures notified hereunder by the Finance Department from time to time.
131 T	Maintenance Contract
	<p>Depending on the cost and nature of the goods or services to be purchased, it may also be necessary to enter into maintenance contract(s) of suitable period either with the supplier of the goods/services or with any other competent firm, not necessarily the supplier of the subject goods/services. Such maintenance contracts are especially needed for sophisticated and costly equipment and machinery or technically complex services contract. It may, however, be kept in mind that the goods or services are maintained free of charge by the supplier during its warranty period or such other extended periods as the contract terms may provide and the paid maintenance should commence only thereafter.</p>

	The Procuring Entity shall ensure that maintenance contract shall be processed before the end of warranty period of the goods or services.
131 U	Performance Security
	(1) To ensure due performance of the contract, Performance Security is to be obtained from the successful bidder awarded the contract. Performance security shall be solicited from all successful bidders except from those bidders who are exempted from submission of bid security under The Bihar Purchase Preference Policy, 2024 (as amended from time to time).
	<p>(2) Performance Security should range between five percent (5%) to ten percent (10%) of the value of the contract as specified in the bid documents.</p> <p>In respect of procurement of Consultancy Services, performance security should be for an amount of 3-5% of the contract value.</p> <p>Notwithstanding anything contained in this sub-rule, where the State Government being of the opinion that there exist grave situations such as natural calamity or Pandemic or Epidemic diseases or floods etc. in which the State's economy is adversely affected, the State Government may, direct the procurement entity to reduce the performance security taken in case of existing contracts of ongoing projects, from such date and on such conditions as may be specified in the order.</p>
	<p>(3) Performance security shall be furnished, in any one of the following acceptable forms safeguarding the purchaser's interest in all respects.</p> <ol style="list-style-type: none"> Online payment through government portal; Bank Guarantee/s of a Commercial banks, preferably electronic Bank Guarantee. It shall be verified from the issuing bank; Account Payee Demand Draft, Fixed Deposit Receipt from a Commercial bank; and

	d. Other conditions regarding bank guarantee/ e-Bank Guarantee shall be same as mentioned in the rules for Bid Security.
	(4) Performance security furnished shall remain valid for a period of sixty (60) days (or as specified in the bidding document) beyond the date of completion of all contractual obligations of the bidder, including warranty obligations and maintenance and defect liability period.
	(5) Bid security should be refunded to the successful bidder on receipt of Performance Security.
131 V	Advance & Part Payment to Suppliers
	<p>(1) Advance payment to supplier: Ordinarily, payments for services rendered or supplies made should be released only after the services have been rendered or supplies made. However, it may become necessary to make advance payments in the following types of cases: -</p> <ul style="list-style-type: none"> (i) Advance payment demanded by firms holding maintenance contracts for servicing of air- conditioners, computers, other costly equipment, etc. (ii) Advance payment demanded by firms against fabrication contracts, turn-key contracts etc. (iii) Such advance payments should not exceed the following limits:- <ul style="list-style-type: none"> a. Thirty percent (30%) of the contract value to private firms; b. Forty percent (40%) of the contract value to a State or Government of India agency or a Public Sector Enterprises; or c. In case of maintenance contract, the amount should not exceed the amount payable for six months under the contract. (iv) Administrative Department may relax, in consultation with the Finance Department, the ceilings (including percentage laid down for advance payment for private firms) mentioned above. While making any advance payment as above, adequate safeguards in the form of bank guarantee/e-bank guarantee etc. should be obtained from the firm.

	(2) Part payment to suppliers: Depending on the terms of delivery incorporated in a contract, part payment to the supplier may be released after it dispatches the goods from its premises in terms of the contract.
131 W	Transparency, competition, fairness and elimination of arbitrariness in the procurement process
	All government purchases should be made in a transparent, competitive and fair manner, to secure best value for money. This will also enable the prospective bidders to formulate and send their competitive bids with confidence. Some of the measures for ensuring the above are as follows: -
	<p>(i) The text of the bidding document or request for proposal (RFP) should be self-contained and comprehensive without any ambiguities with full description of subject matter of procurement which meets the needs of Procuring Entity. It shall be objective, functional, generic and measurable. It set out the relevant technical, quality and performance characteristics. All essential information, which a bidder needs for sending responsive bid, should be clearly spelt out in the bidding document in simple language. The condition of prior turnover and prior experience may be relaxed, as notified under Bihar Purchase Preference Policy, 2024, subject to meeting of quality & technical specifications and making suitable provisions in the bidding document. The bidding document should contain, inter alia;</p> <ol style="list-style-type: none"> Description and Specifications of goods/services including the nature, quantity, time and place or places of delivery. The criteria for eligibility and qualifications to be met by the bidders such as minimum level of experience, past performance, technical capability, manufacturing facilities and financial position etc. or limitation for participation of the bidders, if any. Eligibility criteria for goods/services indicating any legal restrictions or conditions about the origin of goods etc. which may require to be met by the successful bidder.

	<p>d. The procedure as well as date, time and place for sending the bids.</p> <p>e. Date, time and place of opening of the bids.</p> <p>f. Criteria for evaluation of bids</p> <p>g. Special terms affecting performance, if any.</p> <p>h. Essential terms of the procurement contract and terms of delivery.</p> <p>i. Bidding Documents should include a clause that "if a firm quotes NIL charges / consideration, the bid shall be treated as unresponsive and will not be considered".</p>
	<p>(ii) Any other information which the procuring entity considers necessary for the bidders to submit their bids.</p>
	<p>(iii) Modification to bidding document:</p> <p>a. In case any modification is made to the bidding document, or any clarification is issued which materially affects the terms contained in the bidding document, the procuring entity shall publish or communicate such modification or clarification in the same manner as the publication or communication of the initial bidding document was made.</p> <p>b. In case a clarification or modification is issued to the bidding document, the procuring entity shall, before the last date for submission of bids, extend such time limit, if, in its opinion more time is required by bidders to take into account the clarification or modification, as the case may be, while submitting their bids.</p> <p>c. Any bidder who has submitted his bid in response to the original invitation shall have the opportunity to modify or resubmit it, as the case may be, or withdraw such bid in case the modification to bidding document materially affect the essential terms of the procurement, within the period initially allotted or such extended time as may be allowed for submission of bids, after the modifications are made to the bidding document by the procuring entity:</p> <p>Provided that the bid last submitted, or the bid as modified by the bidder shall be considered for evaluation.</p>

	(iv) Suitable provision should be kept in the bidding document to enable a bidder to question the bidding conditions, bidding process and/ or rejection of its bid. The reasons for rejecting a tender or non-issuing a tender document to a prospective bidder must be disclosed where enquiries are made by the bidder.
	(v) Suitable provision for settlement of disputes, if any, emanating from the resultant contract, should be kept in the bidding document.
	(vi) The bidding document should indicate clearly that the resultant contract will be interpreted under Indian Laws (including specific State Laws).
	(vii) The bidders should be given reasonable time to prepare and send their bids.
	(viii) The bids should be opened in public and authorised representatives of the bidders should be permitted to attend the bid opening.
	(ix) The specifications of the required goods should be clearly stated without any ambiguity so that the prospective bidders can send meaningful bids. In order to attract sufficient number of bidders, the specification should be broad based to the extent feasible. Efforts should also be made to use standard specifications which are widely known to the industry.
	(x) Pre-bid conference: In case of turnkey contract(s) or contract(s) of special nature for procurement of sophisticated and costly equipment or wherever felt necessary, a suitable provision is to be kept in the bidding documents for one or more rounds of pre-bid conference for clarifying issues and clearing doubts, if any, about the specifications and other allied technical details of the plant, equipment and machinery etc. projected in the bidding document. The date, time and place of pre-bid conference should be indicated in the bidding document. This date should be sufficiently ahead of bid opening date. The records of such conference shall be intimated to all

	bidders and, shall also be exhibited on the website(s) where tender was published.
	<p>(xi) Criteria for determining responsiveness are to be taken into account for evaluating the bids such as:</p> <ul style="list-style-type: none"> a. time of delivery. b. Performance/efficiency/environmental characteristics. c. the terms of payment and of guarantees in respect of the subject matter of procurement d. price. e. cost of operating, maintaining, and repairing etc.
	<p>(xii) Bids received should be evaluated in terms of the conditions already incorporated in the bidding documents; No new condition which was not incorporated in the bidding documents should be brought in for evaluation of the bids. Determination of a bid's responsiveness should be based on the contents of the bid itself without recourse to extrinsic evidence.</p>
	<p>(xiii) Bidders should not be permitted to alter or modify their bids after expiry of the deadline for receipt of bids.</p>
	<p>(xiv) Negotiation with bidders after bid opening must be severely discouraged. However, in exceptional circumstances where price negotiation against an <i>ad-hoc</i> procurement is necessary due to some unavoidable circumstances, the same may be resorted to only with the lowest evaluated responsive bidder.</p>
	<p>(xv) In the rate contract system, where a number of firms are brought on rate contract for the same item, negotiation as well as counter offering of rates are permitted with the bidders in view and for this purpose special permission should be given to the State Purchase Organisation.</p>
	<p>(xvi) Contract should ordinarily be awarded to the lowest evaluated bidder whose bid has been found to be responsive and who is eligible and qualified to perform the contract satisfactorily as per the terms and conditions incorporated in the corresponding bidding document. However, where the lowest acceptable bidder against <i>ad-hoc</i> requirement is not in a position to supply the full</p>

	quantity required, the remaining quantity, as far as possible, be ordered to the next higher responsive bidder at the rates offered by the lowest responsive bidder.
	(xvii) The name of the successful bidder awarded the contract should be mentioned in the Administrative Department's/ Procuring entities website and their notice board or bulletin.
	(xviii) Rejection of all Bids is justified when - <ul style="list-style-type: none"> a. effective competition is lacking (less than two valid offer/ bid is not available for opening of tender) b. all Bids and Proposals are not substantially responsive to the requirements of the Procurement Documents. c. the Bids'/Proposals' prices are substantially higher or lower than the updated cost estimate or available budget; or d. none of the technical Proposals meets the minimum technical qualifying score.
	(xix) Lack of competition in sub-rule (xviii)(a) shall not be determined solely based on the number of Bidders. Even when only one Bid is submitted, the process may be considered valid, provided following conditions are satisfied: <ul style="list-style-type: none"> a. the procurement was satisfactorily advertised, and sufficient time was given for submission of bids. b. the qualification criteria were not unduly restrictive; and c. prices are reasonable in comparison to market values.
	(xx) When a limited or open tender results in only one effective offer, it shall be treated as a single tender Bid.
131 X	Efficiency, Economy and Accountability in Public Procurement System
	Public procurement procedure should ensure efficiency, economy and accountability in the system. To achieve the same, the following key areas should be addressed: -

	<p>(i) To reduce delay, appropriate time frame for each stage of procurement should be prescribed by the Procuring Entity.</p> <p>(ii) To minimise the time needed for decision making and placement of contract, every Administrative Department/other Procuring Entity, with the approval of the competent authority, may delegate, wherever necessary, appropriate purchasing powers to the lower functionaries.</p> <p>(iii) The Procuring Entity should ensure placement of contract within the original validity of the bids. Extension of bid validity must be discouraged and resorted to only in exceptional circumstances.</p> <p>(iv) The designated State Purchase Organisation(s) should bring into the rate contract system more and more common user items which are frequently needed in bulk by various Government departments. The State Purchase Organisation should also ensure that the rate contracts remain available without any break.</p>
131 Y	Buy-Back Offer
	<p>When it is decided with the approval of the competent authority to replace an existing old item(s) with a new and better version, the Procuring Entity may trade the existing old item while purchasing the new one. For this purpose, a suitable clause is to be incorporated in the bidding document so that the prospective and interested bidders formulate their bids accordingly. Depending on the value and condition of the old item to be traded, the time as well as the mode of handing over the old item to the successful bidder should be decided and relevant details in this regard suitably incorporated in the bidding document. Further, suitable provision should also be kept in the bidding document to enable the purchaser either to trade or not to trade the item while purchasing the new one.</p>
Procurement of Services A.- Consultancy Services	
131 Z	Definition of Consultancy Services
	<p>"Consulting Service means any subject matter of procurement (which as distinguished from 'Non- Consultancy Services' involves primarily non-physical project-specific,</p>

	<p>intellectual and procedural processes where outcomes/deliverables would vary from one consultant to another), other than goods or works, except those incidental or consequential to the service, and includes professional, intellectual, training and advisory services or any other service classified or declared as such by a procuring entity but does not include direct engagement of a retired Government servant.</p> <p>Note: These Services typically involve providing expert or strategic advice e.g., management consultants, policy consultants, communications consultants, Advisory and project related Consulting Services which include, feasibility studies, project management, engineering services, finance, accounting and taxation services, training and development etc.</p>
131 ZA	Hiring of Consulting Services
	The Administrative Department/Procuring Entity may hire external professionals, consultancy firms or consultants (referred to as consultant hereinafter) for a specific job, which is well defined in terms of contract and time frame for its completion.
131 ZB	Fundamental Principles for hiring of consulting services
	This section contains the fundamental principles applicable to all Departments and Procuring Entities regarding engagement of consultant(s). Detailed instructions in consonance with the basic rules contained in this chapter, to this effect may be issued by the concerned Departments with the consent of Finance Department.
131 ZC	Identification of Services required to be performed by consultants
	Engagement of consultants may be resorted to in situations requiring high quality services for which the concerned Procuring Entity does not have requisite expertise. Approval of the competent authority should be obtained before engaging consultant(s).
131 ZD	Preparation of scope of the required Consultant(s)
	The Administrative Department/Procuring Entity should prepare the requirement, objectives and the scope of the

	assignment in simple and concise language. The eligibility and prequalification criteria to be met by the consultants should also be clearly identified at this stage.
131 ZE	Estimating reasonable expenditure
	Procuring Entity proposing to engage consultant(s) should estimate reasonable expenditure for the same by ascertaining the prevalent market conditions and consulting other organisations engaged in similar activities. However, actual expenditure shall be discovered through the procurement process outlined in this chapter.
131 ZF	Identification of likely sources
	<p>(1) Where the estimated cost of the consulting service is up to Rs. 1 (one) Crore through empanelment of potential consultants may be done on the basis of formal or informal enquiries from other Procuring Entities or Organisations involved in similar activities, Chambers of Commerce & Industry, Association of consultancy firms etc.</p> <p>(2) Where the estimated cost of the consulting services is above Rs. 1(one) Crore, in addition to sub- rule (1) above, an enquiry for seeking "Expression of Interest/Request for Proposal (RFP)" from consultants should be published on GeM/ e-Procurement Portal. An organisation having its own website should also publish all its advertised tender enquiries on the website and the website address should also be given in the advertisements, at least one national/State daily newspaper as the requirement of responsive bid.</p> <p>(3) Enquiry for seeking Expression of Interest should include in brief, the broad scope of work or service, inputs to be provided by the Procuring Entity, eligibility and the pre-qualification criteria to be met by the consultant(s) and consultant's past experience in similar work or service. The consultants may also be asked to send their comments on the objectives and scope of the work or service projected in the enquiry. Adequate time should be allowed for getting responses from interested consultants.</p>

131 ZG	Empanelment of Consultancy services
	At the level of Administrative Department or State Purchase organization or any procuring entity notified by the State Government, specific nature of procurement services is done frequently, empanelment of minimum four consultants may be done for two years and extendable by one another year only. Consultancy service up to Rupees 1 (one) crore may be awarded to them.
131 ZH	Preparation of Terms of Reference (TOR)
	<p>The TOR should include:</p> <ul style="list-style-type: none"> (i) Precise statement of objectives; (ii) Outline of the tasks to be carried out; (iii) Schedule for completion of tasks; (iv) The support or inputs to be provided by the Procuring Entity to facilitate the consultancy; and (v) The final outputs that will be required from the Consultant.
131 ZI	Preparation and Issue of Request for Proposal (RFP)
	<p>RFP is the document to be used by the Procuring Entity for obtaining offers from the consultants for the required service. The RFP should be issued to the shortlisted consultants to seek their technical and financial proposals. The RFP should contain:</p> <ul style="list-style-type: none"> (i) A letter of Invitation (ii) Information to Consultants regarding the procedure for submission of proposal. (iii) Terms of Reference (TOR). (iv) Eligibility and pre-qualification criteria in case the same has not been ascertained through Enquiry for Expression of Interest. (v) List of key position whose curriculum vitae (CV) and experience would be evaluated. (vi) Bid evaluation criteria and selection procedure. (vii) Standard formats for technical and financial proposal. (viii) Proposed contract terms.

	(ix) Procedure proposed to be followed for midterm review of the progress of the work and review of the final draft report.
131 ZJ	Receipt and opening of proposals
	Proposals should ordinarily be asked for from consultants in 'Two bid' system (as specified in Rule 131O) with technical and financial bids sealed separately. The bidder should put these two sealed envelopes in a bigger envelop duly sealed and submit the same to the Procuring Entity by the specified date and time at the specified place. On receipt, the technical proposals should be opened first by the Procuring Entity at the specified date, time and place.
131 ZK	Late Bids
	Late bids i.e. bids received after the specified date and time of receipt should not be considered.
131 ZL	Evaluation of Technical Bids
	Technical bids should be analysed and evaluated by a Consultancy Evaluation Committee (CEC) constituted by the Procuring Entity. The CEC shall record in detail the reasons for acceptance or rejection of the technical proposals analysed and evaluated by it.
131 ZM	Evaluation of Financial Bids of the technically qualified
	The Procuring Entity shall open the financial bids of only those bidders who have been declared technically qualified by the Consultancy Evaluation Committee as per Rule 131ZL above for further analysis or evaluation and ranking and selecting the successful bidder for placement of the consultancy contract.
131 ZN	Methods of Selection/ Evaluation of Consultancy
	The basis of selection of the consultant shall follow any of the methods given in Rule 131ZO to 131ZQ as appropriate for the circumstances in each case.
131 ZO	Quality and Cost Based Selection (QCBS)
	(1) QCBS may be used for Procurement of consultancy services, where quality of consultancy is of prime concern.

	<p>(i) In QCBS initially the quality of technical proposals is scored as per criteria announced in the RFP. Only those responsive proposals that have achieved at least minimum specified qualifying score in quality of technical proposal shall be considered further.</p> <p>(ii) After opening and scoring of the technical proposal, the financial proposals of technically responsive qualified bidders shall be opened, and final combined score shall be arrived at by giving predefined relative weightages for the score of quality of the technical proposal and the score of financial proposal.</p> <p>(iii) The RFP shall specify the minimum qualifying score for the quality of technical proposal and also the relative weightages to be given to the quality and cost (determined for each case depending on the relative importance of quality vis-a-vis cost aspects in the assignment, e.g. 70:30, 60:40, 50:50 etc.). The proposal with the highest weighted combined score (quality and cost) shall be selected.</p> <p>(iv) The weightage of the technical parameters i.e. non-financial parameters in no case should exceed 80 percent.</p> <p>(2) Generally, QCBS for non-consultancy services/works shall not be adopted. However, adoption of QCBS mode of Procurement for non-consultancy services/works in special/exceptional cases, will require approval of Cabinet with consent of Finance Department.</p>
131 ZP	Least Cost System (LCS)
	<p>LCS is appropriate for assignments of a standard or routine nature (such as audits and engineering design of non-complex works) where well-established methodologies, practices and standards exist. Unlike QCBS, there is no weightage for technical score in the final evaluation and the responsive technically qualified proposal with the lowest evaluated cost shall be selected.</p>

131ZQ	Consultancy by nomination
	<p>The selection by direct negotiation/nomination, on the lines of Single Tender mode of procurement of goods/services, is considered appropriate only under exceptional circumstances such as: -</p> <ul style="list-style-type: none"> (i) tasks that represent a natural continuation of previous work carried out by the firm. (ii) in case of an emergency situation, situations arising after natural disasters, situations where timely completion of the assignment is of utmost importance. (iii) situations where execution of the assignment may involve use of proprietary techniques or only one consultant has requisite expertise. and (iv) Under some special circumstances, it may become necessary to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the Procuring Entity. Full justification for single source selection should be recorded in the file and approval of the competent authority obtained before resorting to such single-source selection. (v) It shall ensure fairness and equity and shall have a procedure in place to ensure that the prices are reasonable and consistent with market rates for tasks of a similar nature and the required consultancy services are not split into smaller sized procurement. (vi) The Procuring Entity may follow this procedure for engagement of consultant with the approval of the Competent Authority as specified in Appendix 16.
131ZR	Monitoring the Contract
	<p>The Procuring Entity should be involved throughout in the conduct of consultancy, preferably by taking a task force approach and continuously monitoring the performance of the consultant(s) so that the output of the consultancy is in line with the Procuring Entity's objectives.</p>
Procurement of Services B. Non-Consulting Services/ Outsourcing of Services	
131ZS	Non-Consulting Services/ Outsourcing of Services
	<p>"Non-Consulting Service" means any subject matter of procurement (which as distinguished from 'Consultancy Services'), involve physical, measurable deliverables/ outcomes, where performance standards can be clearly identified and consistently applied, other than goods or works, except those incidental or consequential to the service, and includes maintenance, hiring of vehicle, outsourcing of building facilities management, security, photocopier service, janitor, office errand services, drilling, aerial photography, satellite imagery, mapping etc.</p>

131ZT	Procurement of Non-consulting Services
	Administrative Department/Procuring Entity may procure certain non-consulting services in the interest of economy and efficiency, and it may prescribe detailed instructions and procedures in consonance with the basic rules contained in this chapter, to this effect with the consent of Finance Department.
131ZU	Identification of likely contractors
	The Administrative Department/Procuring Entity should prepare a list of likely and potential contractors on the basis of formal or informal enquiries from other Procuring Entities and Organisations involved in similar activities.
131ZV	Preparation of Tender enquiry
	Procuring Entity should prepare a tender enquiry containing, inter alia: (i) The details of the work or service to be performed by the contractor; (ii) The facilities and the inputs which will be provided to the contractor by the Procuring Entity; (iii) Eligibility and qualification criteria to be met by the contractor for performing the required work/service; and (iv) The statutory and contractual obligations to be complied by the contractor.
131ZW	Invitation of Bids
	(i) For estimated value of the non-consulting service up to Rs. 50 (Fifty) lakh or less: -The Procuring Entity should scrutinize the preliminary list of likely contractors as identified as per Rule 131 ZU above, decide the prima facie eligible and capable contractors and issue limited tender enquiry to them asking for their offers by a specified date and time etc. as per standard practice. The number of the contractors so identified for issuing limited tender enquiry should be more than three. (ii) For estimated value of the non-consulting service above Rs. 50 (Fifty) lakh: -The Procuring Entity should issue advertisement in such case, and it should also be given

	on GeM/ e-Procurement Portal. An organisation having its own website should also publish all its advertised tender enquiries on the website. The published advertisement in daily newspaper for invitation of tenders should give the complete website address from where the bidding documents can be downloaded.
131 ZX	Late Bid
	Late bids i.e. bids received after the specified date and time of receipt, should not be considered.
131 ZY	Evaluation of Bids Received
	The Procuring Entity should evaluate, segregate, rank the responsive bids and select the successful bidder for placement of the contract. While evaluation the concerned officer should take into account of relevant labour laws and taxation rules provisioned in the bid document. The state government may issue notifications in this regard from time to time.
131 ZZ	Procurement of non-consulting services by nomination
	Should it become necessary, in an exceptional situation to procure a non-consulting service from a specifically chosen contractor, the Competent Authority in the Administrative Department/ Procuring Entity may do so. In such cases the detailed justification, the circumstances leading to such procurement by choice and the special interest or purpose it shall serve, shall form an integral part of the proposal. Full justification for single source selection/ nomination should be recorded in the file and approval of the Competent authority (as prescribed in Appendix 16) shall be obtained before resorting to such single-source selection.
131 ZZA	Monitoring the Contract
	The Procuring entity should be involved throughout in the conduct of the contract and continuously monitor the performance of the contractor.
131 ZZB	Other
	Any circumstances which are not covered in Rule 131ZS to 131ZZ for procurement of non-consulting services, the

	procuring entity may refer Rule 124 to Rule 131Y pertaining to procurement of goods and not to the procurement of consulting services.
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Interpretation:- In case of any ambiguity of difference in interpreting the provision of English and the Hindi version of this Bihar Financial (Amendment) Rules, 2024 the provisions of English version of this Bihar Financial (Amendment) Rules, 2024 shall be applicable.

By order of the Governor of Bihar,

(Anand Kishor)

Principal Secretary

Memo:-M-4-03/2022..13183...../F.

Patna, Dated...09-12-2024

Copy forwarded to:- Accountant General (A&E), Bihar, Virchand Patel Path, Patna-800001 for information and necessary action.

Principal Secretary

Memo:-M-4-03/2022..13183...../F.

Patna, Dated...09-12-2024

Copy forwarded to:- Chief Secretary/Development Commissioner/ All Additional Chief Secretary/Principal Secretary/Secretary/All Head of Department/All Divisional Commissioner/All District Magistrate/All Treasury officer, Bihar for information and necessary action.

Principal Secretary

Memo:-M-4-03/2021..13183...../F.

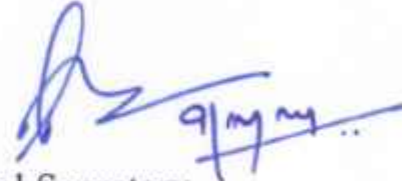
Patna, Dated...09-12-2024

Copy forwarded to:- Private secretary to Hon'ble Deputy Chief (Finance) Minister, Bihar for information.

Principal Secretary

Memo:-M-4-03/2021...13183.../F. Patna, Dated...09-12-2024

**Copy forwarded to:-e-Gazette Section, Finance Department,
Bihar, Patna for information and necessary action.**



Principal Secretary.

APPENDIX-16

Delegation of Financial Power for the purpose of Procurement of Goods and Services

SL No.	Subject	BFR Rule no.	Competent Authority for Procurement
1.	Nomination basis for purchase of Goods/Works	131R	<ol style="list-style-type: none"> 1. By Administrative Department with the consent of Internal Financial Advisor -Up to 25 lakh 2. By Administrative Department in concurrence with Finance department above 25 lakh and upto 1 crore 3. By cabinet in consultation with Finance Department Above 1 crore
2.	Procurement of Consultancy Service on Nomination basis	131ZQ	<ol style="list-style-type: none"> 1. By Administrative Department with the consent of Internal Financial Advisor-Up to 25 lakhs 2. By Administrative Department in concurrence with Finance department above 25 lakh and upto 1 crore 3. By cabinet in consultation with Finance Department Above 1 crore
3.	Procurement of non-consulting services by nomination	131ZZ	<ol style="list-style-type: none"> i. Procuring entity with approval of Government Department -Up to Rs. 50 Lakh. ii. Procuring entity with approval of Cabinet -Above Rs. 50 Lakh
4.	Disposal of Single bid	131P	After retender procuring Entity after getting the approval of One Step above authority.