

16.8 Tamil Nadu Panchayats (Preparation of plans and estimates for works and mode and conditions of contracts) Rules 1998**(G.O. (Ms) No. 286, Rural Development (CSS-1) Department, Dated 31.12.1998)**

In exercise of the powers conferred by sub-section (1) and clauses (xv) and (xx) of sub-section (2) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Tamil Nadu Panchayats, Panchayat Unions and District Panchayats (Preparation of Plans and Estimates) Rules, 1997 and the Tamil Nadu Panchayat Union Councils, District Panchayats Contracts (Mode and Conditions) Rules, 1997, the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. **Short title** – These Rules may be called the Tamil Nadu Panchayats (Preparation of Plans and Estimates for Works and Conditions of Contracts) Rules, 1998.
2. **Application of Rule** –In respect of works of Village Panchayats, Panchayat Unions and District Panchayats for which grant is given by the Government and in respect of works taken up by the Village Panchayats, Panchayat Union and District Panchayats for execution from out of their own funds, the procedure laid down in these Rules shall apply.
3. **Preparation and sanction of estimates** – (1) Estimates in respect of Village Panchayats or Panchayat Unions or District Panchayats works whether original or maintenance works costing upto rupees fifty thousand shall be prepared by the Panchayat Union Overseer of the respective Panchayat Union and got technically sanctioned by the Block Engineer or Assistant Engineer (Rural Development) or the respective Panchayat Union.
(2) All estimates costing more than rupees fifty thousand shall be prepared by the Block Engineer or Assistant Engineer (Rural Development) with the assistance of the Union Overseer and sent to the Assistant Executive Engineer (Rural Development) concerned, who shall ensure that administrative and technical sanctions are accorded to the estimates in accordance with Rule 5 below.

Explanation –For purposes of sub-rule (2) of Rule 3, the cost given shall mean the “estimated cost” of the work.

4. **Power of the President** –During exigencies, the President may prepare estimates with the help of Panchayat Assistant, get the approval of the Village Panchayat and execute works, upto a limit of rupees two thousand at a time and not exceeding rupees five thousand in a year in respect of works executed out of Village Panchayat Fund only. After completion of the work, the details and vouchers shall be placed before the Village Panchayat in its next meeting.

5. **Accordinging of administrative sanction and technical sanction to estimates** –In respect of estimates including revised estimates for original works, maintenance works and electrical works, the authorities competent to accord administrative sanction and technical sanction shall unless the Government has stipulated that the sanction of some other authority is required for a particular scheme or particular Fund or above a particular limit, be as specified in Tables I, II, III, IV and V.

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TABLE - I
**I. ORIGINAL WORKS
VILLAGE PANCHAYAT**

| Estimate value (1) | Authority to accord administrative sanction (2) | Authority to accord technical sanction (3) |
|--|--|---|
| 1. Estimate costing upto rupees one lakh. | Village Panchayat | (i) Upto rupees fifty thousand Block Engineer or Assistant Engineer (R.D) (ii) More than rupees fifty thousand but not more than rupees one lakh Assistant Executive Engineer (R.D) |
| 2. Estimate costing more than rupees one lakh. | District Collector / Inspector | (i) Upto rupees three lakhs Assistant Executive Engineer (R.D) (ii) More than rupees three lakhs but not more than rupees six lakhs Executive Engineer (R.D) (iii) More than rupees six lakhs Superintending Engineer (R.D) |

TABLE - II
PANCHAYAT UNION

| Estimate value (1) | Authority to accord administrative sanction (2) | Authority to accord technical sanction (3) |
|---|--|---|
| 1. Estimate costing upto rupees five lakhs. | Panchayat Union Council | (i) Upto rupees fifty thousand Block Engineer (or) Assistant Engineer (R.D) (ii) More than rupees fifty thousand but not more than rupees three lakhs Assistant Executive Engineer (R.D) (iii) More than rupees three lakhs but not more than rupees five lakhs than Executive Engineer (R.D) |
| 2. Estimate costing more than rupees five lakhs but not more than rupees ten lakhs. | District Collector / Inspector | More than rupees five lakhs but not more than rupees ten lakhs Executive Engineer (R.D) |
| 3. Estimate costing more than rupees ten lakhs but not more than rupees one crore. | Director of Rural Development | More than rupees ten lakhs but not more than rupees one crore Superintending Engineer (R.D) |
| 4. More than rupees one crore. | Government | Superintending Engineer (R.D) |

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TABLE - III
DISTRICT PANCHAYAT

| Estimate value (1) | Authority to accord administrative sanction (2) | Authority to accord technical sanction (3) |
|--|--|---|
| 1. Estimate costing upto rupees Ten lakhs. | District Panchayat | (i) Upto rupees fifty thousand Block Engineer (or) Assistant Engineer (R.D) (ii) More than rupees fifty thousand but not more than rupees three lakhs Assistant Executive Engineer (R.D) (iii) More than rupees three lakhs but not more than rupees ten lakhs Executive Engineer (R.D) |
| 2. Estimate costing more than rupees ten lakhs but not more than rupees twenty-five lakhs. | District Collector / Inspector | More than rupees ten lakhs Superintending Engineer (R.D) |
| 3. Estimate costing more than rupees twenty-five lakhs but not more than rupees one crore. | Director of Rural Development | Superintending Engineer |
| 4. Estimate costing more than rupees one crore. | Government | Superintending Engineer (R.D) |

TABLE - IV
II - Maintenance Works

| Nature of Estimate 1 | Authority to accord administrative sanction 2 | Authority to accord technical sanction 3 |
|---|--|---|
| 1. Estimate costing not more than rupees ten thousand. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Block Engineer or Assistant Engineer (R.D) |
| 2. Estimate costing more than rupees ten thousand but not more than rupees fifty thousand | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Assistant Executive Engineer (R.D) |
| 3. Estimate costing more than rupees fifty thousand but not more than rupees two lakhs. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Executive Engineer (R.D) |
| 4. Estimate costing more than rupees two lakhs. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Superintending Engineer (R.D) |

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TABLE - V
III - Electrical works

| Estimate value 1 | Authority to accord administrative sanction 2 | Authority to accord technical sanction 3 |
|--|--|---|
| 1. Estimate costing not more than rupees ten thousand. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Block Engineer or Assistant Engineer (R.D) |
| 2. Estimate costing more than rupees ten thousand but not more than rupees twenty-five thousand | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Assistant Executive Engineer (R.D) |
| 3. Estimate costing more than rupees twenty-five thousand but not more than rupees fifty thousand. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Executive Engineer (R.D) |
| 4. Estimate costing more than rupees fifty thousand. | (i) Village Panchayat, (ii) Panchayat Union Council. (iii) District Panchayat, as the case may be, in respect of works vested in it. | Superintending Engineer (R.D) |

6. Measurement and check-measurement of works executed by Village Panchayat, Panchayat Union and District Panchayat - (1) The authorities competent to measure and check-measure all works done or materials supplied whether by contract or by departmental agency shall be as specified in the Table below:-

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THE TABLE

| Name of work (1) | Measuring Officer (2) | Check-measuring Officer (3) |
|---|--|--|
| 1. All public works (original, maintenance and electrical works) costing not more than rupees fifty thousand. | Panchayat Union Overseer | Block Engineer or Assistant Engineer (R.D) |
| 2. All public works (original, maintenance and electrical works) costing more than rupees fifty thousand. | Block Engineer or Assistant Engineer (R.D) | Assistant Executive Engineer (R.D) |

(2) The Assistant Executive Engineer (Rural Development) shall also super-check not less than twenty-five percent of works costing below rupees fifty thousand check-measured by Block Engineer or Assistant Engineer (Rural Development).

(3) The Assistant Executive Engineer (Rural Development) shall check-measure the measurement of works in respect of the first and the final bills for works costing more than rupees fifty thousand and countersign all other intermediate bills after table check, that is after the scrutiny of the calculation and the correctness of the rates adopted. They shall, at the time of the table check of the intermediate bills, invariably examine whether any of the measurements in respect of any work should personally be check-measured by them in view either (i) of the nature and importance of the portion of the work to which the bill relates; or (ii) of the large amount involved, if they consider that such personal check-measurements are necessary, they shall carry out such check-measurements.

(4) The Executive Engineer (Rural Development) shall also check at least one of the important works check-measured by the Assistant Executive Engineer (Rural Development) in each Panchayat Union every year. The Executive Engineer (Rural Development) shall also check some of the works check-measured by the Assistant Executive Engineer (Rural Development) in respect of the works executed by the Village Panchayats and District Panchayats.

7. Authorities competent to pass excesses over original estimates - The Authorities competent to pass excesses over original estimates are as specified in the Table below:-

THE TABLE

| Estimate Value (1) | Authority (2) | Powers (3) |
|--------------------------------|------------------------------------|---|
| 1. Upto rupees fifty thousand. | Assistant Executive Engineer (R.D) | Without any excess over technical sanction estimate. |
| | Executive Engineer (R.D) | With five per cent excess over technical sanction estimate. |
| | Superintending Engineer (R.D) | With ten per cent excess over technical sanction estimate. |
| | Government | More than ten per cent excess over technical sanction estimate. |

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| | | |
|---|-------------------------------|---|
| 2. More than rupees fifty thousand but not more than rupees three lakhs | Executive Engineer (R.D) | With five per cent excess over technical sanction estimate. |
| | Superintending Engineer (R.D) | With ten per cent excess over technical sanction estimate. |
| | Government | More than ten per cent excess over technical sanction estimate. |
| 3. More than rupees three lakhs but not more than rupees five lakhs | Superintending Engineer (R.D) | With ten per cent excess over technical sanction estimate. |
| | Government | More than ten per cent excess over technical sanction estimate. |
| 4. Exceeding rupees five lakhs | Government | - |

8. Mode of conditions of Contracts –(1) Tenders shall be called for in respect of every work which is to be executed by or on behalf of Village Panchayat, Panchayat Union Council, District Panchayat, as the case may be, on contract and the value of the amount of which is rupees five thousand and above. Any work, the estimated cost of which does not exceed rupees five thousand may be entrusted to a Village Panchayat within a Panchayat Union and District Panchayat without calling for Tenders at rates not exceeding estimate rates.

(2) In respect of works, the value or amount of which is rupees five thousand and above, Village Panchayat, Panchayat Union Council and District Panchayat, as the case may be, may dispense with the calling of Tenders in the following cases and entrust the work at rates not exceeding estimate rates:-

(a) In the case of any work entrusted for execution for the rates not exceeding annual maintenance contract fixed by the Government specifically for this purpose;

(b) In the case of a supplemental maintenance work relating to road which is found necessary after the annual maintenance contract for that road has been settled, if the contract amount of the supplemental maintenance work does not exceed fifty per cent of the amount of the original maintenance amount or rupees two thousand five hundred, whichever is less;

(c) In the case of any work to which a Village Panchayat contributes not less than twenty-five per cent of the estimate cost either from its own resources or by collecting contribution in cash from the public, the work may be entrusted to the Village Panchayat in which the work lies, if the Panchayat passes a resolution to that effect, subject to the condition that where it is not possible to collect a twenty-five per cent cash contribution in advance, the contribution amount may be deducted from the bills at a rate not exceeding twenty-five per cent of cash bill;

(d) in the case of any work to which sponsor contributes not less than twenty-five per cent of the estimate cost in cash if he expresses a desire to execute the work and if the Panchayat gives prior approval for entrusting it to such sponsor by passing a resolution, the work may be entrusted to such sponsor:

Provided that no part of the contribution which the Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, may make, shall be taken credit for, to make up to the twenty-five per cent of the contribution of the sponsor:-

Provided further that the sponsor shall not entrust the execution of the works to any Contractor.

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e) In the case of any work other than those referred to in clauses (a), (b), (c) and (d), the work may be entrusted to a Labour Contract Co-operative Society functioning in the Panchayat Development Block at the rates not exceeding estimate rates;

f) Nothing contained in these Rules shall affect the mode of entrustment and execution of works under State scheme or Centrally sponsored scheme, for which specific orders on the entrustment of works are issued.

9. Dispensing with Tender – In cases not falling under Clauses (a) to (e) of Rule 8, Tenders may be dispensed with on the ground of urgency or for any other special reason to be recorded in writing by the Executive Authority or Commissioner or Secretary, as the case may be,–

(a) If the value or the amount of the work does not exceed rupees fifty thousand with the previous approval of the Executive Engineer (Rural Development) on the direction from the respective Inspector and Collector of the district concerned; and

(b) If the value or the amount of the work exceeds rupees fifty thousand but does not exceed rupees two lakhs with the previous approval of the Superintending Engineer (Rural Development) on the direction from the Director of Rural Development.

10. Power to entrust the works without Tender – Where Tenders are not called for or are dispensed with, the Executive Authority or Commissioner or Secretary, as the case may be, shall except in cases falling under Clauses (a) to (e) of Rule 8 get the work done through a Contractor selected from the Register of Contractors at rates which shall not ordinarily exceed the sanctioned estimate rates. Where on the ground of urgency or for other special reason, it is proposed to allow rates exceeding the sanctioned estimate rates, the previous written approval of the Authority competent under these Rules to approve the acceptance of Tenders at such rates shall be obtained:

Provided that any such work may be entrusted to a person in the locality who is not a registered Contractor, but who is interested in its execution, if in the opinion of the Executive Authority or Commissioner or Secretary, as the case may be, its execution through such agency is desirable and if the value or the amount does not exceed rupees two thousand:

Provided further that the selection of Contractors for works, the value or the amount of which is rupees two thousand or less shall be made by the Block Engineer or Assistant Engineer (Rural Development):

Provided also that in cases falling under clause (c) of Rule 8, the supplemental maintenance work shall be entrusted to the Contractor for the original maintenance work at the same rates as for the original maintenance work.

11. Dispense with further call of Tender –(1) Notwithstanding anything contained in these Rules, the Executive Authority or Commissioner or Secretary, as the case may be, may upto such date as the State Government may, by general or special order specify from time to time, dispense with further call of Tenders either when no Tender is received in the first instance or only high premium Tenders which are not considered reasonable are received and are rejected–

(a) If the value or the amount of the work does not exceed rupees five lakhs with the approval of the Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be;

(b) If the value or the amount of the work exceeds rupees five lakhs but does not exceed rupees ten lakhs with the approval of the Collector of the district concerned;

(c) If the value or the amount of the work exceeds rupees ten lakhs but does not exceed rupees one crore with the approval of the Director of Rural Development; and

(d) If the value or the amount of the work exceeds rupees one crore with the approval of the State Government.

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(2) In case Tenders are not dispensed with under sub-rule (1), the Executive Authority or Commissioner or Secretary, as the case may be, may negotiate with the Tenderers in order to entrust the work to the most suitable tenderer having regard to all the local conditions and accept an offer at the rate other than specified in the Tender with the approval of the Collector of the district concerned,—

- (i) If the value or the amount of the work does not exceed rupees five lakhs with the concurrence of Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be;
- (ii) If the value or the amount of the work exceeds rupees five lakhs but does not exceed rupees ten lakhs with the concurrence of the Collector of the district concerned;
- (iii) If the value or the amount of the work exceeds rupees ten lakhs and does not exceed rupees one crore with the approval of the Director of Rural Development; and
- (iv) If the value of the work exceeds rupees one crore with the concurrence of the State Government.

12. Register of Contractors —A Register of Contractors shall be maintained in the Village Panchayat, Panchayat Union Council and District Panchayat Offices respectively in Form I as appended to these Rules and such Register shall be treated as confidential. A copy of the Register shall be submitted annually to the Block Engineer / Assistant Engineer (Rural Development) in case of Village Panchayat and to the Executive Engineer (Rural Development) in case of Panchayat Union Council and District Panchayat, by the Executive Authority or Commissioner or Secretary, as the case may be.

13. Scrutiny of Registers —(1) The Register of Contractors shall be kept up-to-date, when submitted to the Authority under Rule 12, such Authority shall scrutinize the Register at least once in a year and sign it in token of his scrutiny. Any changes in the Register considered necessary by such authority shall be referred by him in writing to the Executive Authority or Commissioner or Secretary, as the case may be, for orders. The Executive Authority or Commissioner or Secretary, as the case may be, shall pass orders on the changes, if any, proposed by the said Authority and shall record his reasons for the changes, if any, ordered by him. A copy of the corrections made in the Register shall be submitted to the Executive Engineer (Rural Development) concerned and shall be filed with the Register in his Office.

(2) In the remarks column of the Register

, the qualifications of the Contractor, the quality and magnitude of work previously executed by him and all other relevant particulars shall be entered.

(3) Any person desirous of being registered as a Contractor shall apply to the concerned Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, enclosing a receipt from the Village Panchayat or Panchayat Union Council or District Panchayat Office, as the case may be, for the fee fixed by the Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, under sub-rule (4) and stating his qualifications and previous experience.

(4) The Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, may fix a fee not exceeding rupees five hundred to be paid by an applicant for registration as a Contractor.

(5) On receipt of an application under sub-rule (3), the Executive Authority or Commissioner or Secretary, as the case may be, shall refer such application to Block Engineer or Assistant Engineer (Rural Development), who shall make a full enquiry and submit the application to the Executive Authority or Commissioner or Secretary, as the case may be, with the record of the enquiry made by him and his views on rejection or recommendation in regard to the particulars mentioned in columns (4) and (5) of the Register. The Executive Authority or Commissioner or Secretary, as the case may be, shall place the details of enquiry along with the application for

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consideration of Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, who shall pass orders on the application after which the same shall be entered in the Register by the Executive Authority or Commissioner or Secretary, as the case may be.

(6) The said Register and connected records shall be made available for the perusal of the Audit or supervising Officer, who shall bring to the notice of the Inspector and Superintending Engineer (Rural Development) of any material irregularities. The Superintending Engineer (Rural Development) shall cause the material irregularities to be enquired into and to place the details before the Inspector, who after giving an opportunity to the concerned Executive Authority or Commissioner or Secretary, as the case may be, shall pass order which will be binding on the respective Panchayat.

(7) The names of the Contractors may be removed from the Register of Contractors by the Executive Authority or Commissioner or Secretary, as the case may be, for any proved misconduct or for any financial incapacity or for any other reasons:

Provided that before ordering the removal of the name of any Contractor from the Register, a notice in writing shall be given to him to show cause against such removal and his explanation be obtained in writing for consideration and place the details for consideration of the Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be.

14. Tender procedure –(1) Subject to the provisions of Rule 18, Tenders in sealed covers shall be invited by the Executive Authority or Commissioner or Secretary as the case may be, in the most open public and transparent manner possible—

(a) By displaying the Tender notice in Tamil on the notice board of the Village Panchayat or Panchayat Union or District Panchayat, as the case may be, in such other places as the Executive Authority or Commissioner or Secretary, as the case may be, may direct;

(b) By sending copies of the Tender notice to the Assistant Executive Engineer (Rural Development) and Executive Engineer (Rural Development) for displaying on the notice board of their offices concerned; and

(c) by publication of the Tender notice in the District Gazette:

¹[Provided that Tender notice in respect of a work if the value of which exceeds ten lakhs rupees and does not exceed twenty-five lakhs rupees shall be published in two Tamil newspapers at the district level].

(2) Every notice published under sub-rule (1) shall state,—

- (i) When and where the contract documents may be inspected;
- (ii) the precise form of tendering that is, whether it shall be at specified percentage below or above estimate rates, or whether definite rate issued be quoted for each item of work included in the schedule;
- (iii) When and where Tenders are to be submitted;
- (iv) When and where they are to be opened;
- (v) the amount of earnest money which shall accompany the Tender and the amount and nature of security required in case the Tender is accepted; and
- (vi) the Authority competent to accept the Tender, reserve the right to reject any or all of the Tenders received without assigning any reason.

15. Precise form of Tender –(1) The precise form of tendering, namely, whether it shall be at specified percentage below or above the estimate rates, or whether definite rates shall be quoted for each item of work included in the schedule independently of the rates provided for in the sanctioned estimate, shall be decided by the Executive Authority or Commissioner or Secretary, as the case may be.

(2) Contractors who are required to Tender on percentage basis, may be permitted to

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examine the estimates for a work, but the data statement showing the actual cost of materials and the distance of the leads on which the estimate is really based shall not be shown to them nor shall it form part of the Contract documents.

16. Preparation of Contract documents—(1) Before Tenders are invited for the execution of a work on Contract, the Executive Authority or Commissioner or Secretary, as the case may be, shall prepare Contract documents which shall include—

- (i) a complete set of drawings showing the general dimensions of the proposed work and so far as necessary details of the various parts;
- (ii) a complete specification of the work to be done and of the materials to be used as approved by the Director of Rural Development unless reference can be made to some standard specifications;
- (iii) a schedule of the quantities of the various descriptions of the work; and
- (iv) a set of conditions of Contract to be complied with by the Tenderer in case his Tender is accepted.

(2) The draft Tender schedule and Tender conditions shall be got approved from the Technical Authority concerned competent to accord sanction of estimate before calling for Tenders.

17. Valid Tenders.—No Tender shall ordinarily be treated as valid unless it is accompanied either by the earnest money specified in the Tender notice or by a receipt in token of the party having remitted the amount of the earnest money into the Panchayat Office concerned. A separate list of all sums deposited as earnest money shall be maintained under the signature of the Officer opening the Tender.

18. Tender from the register, Contractors—Only Tenders from the registered Contractors shall be considered. This condition shall not be enforced in the case of capital works the value or amount of which exceeds rupees fifty thousand in the case of steel work, or in cases in which the Assistant Engineer (Rural Development) or Block Engineer certifies that the work, requires the use of special plant of materials and specially trained labourer and that Tenders from un-registered Contractors may be considered. In the case of capital works, the value or amount of which exceeds rupees fifty thousand, Tenders from engineering Firms of standing and from Contractors registered in or outside the Village Panchayat or Panchayat Union or District Panchayat area for such capital works may be considered. A Tender Register shall be maintained in the Village Panchayat, Panchayat Union and District Panchayat Offices respectively in **Form II** as appended to these Rules and such Register shall be treated as confidential.

19. Earnest Money Deposit—The amount of earnest money to be deposited shall be as specified in Tender notice. In case of the Contractors failing to furnish the required security within the appointed time after the acceptance of his Tender or until the sums due to him form a sufficient guarantee, or fails to execute the work as per the agreement, the earnest money deposit shall be forfeited.

20. Opening of sealed Tender cover—The Executive Authority or Commissioner or Secretary, as the case may be, or any responsible official authorized by him in this behalf shall, at the time and place specified for the purpose, open the sealed covers containing the Tender in the presence of two officials in that office in addition to the presence of such of the Tenderers or their authorized agents as may be present. Until the sealed covers containing Tenders are so opened, they shall be kept in the personal custody of the Executive Authority or Commissioner or Secretary or of a such official as may be authorised by him in that behalf. On opening the Tenders, the Executive Authority or Commissioner or Secretary, as the case may be, or the Official authorized by him to open the Tenders shall initial all corrections in each Tender which may have been made by the Tenderer and attested by him. If there are corrections in the Tender un-attested by the Tenderer a note of such corrections shall be made on the Tender itself when it is opened. The Executive Authority or Commissioner or Secretary, as the case may be, or the official authorized by him to open the Tenders, shall enter the total number of Tenders received in the Tender Register against each work.

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21. Tender Register.—(1) After the Tenders are opened, they shall be tabulated and posted in a Tender Register maintained in the Village Panchayat or Panchayat Union or District Panchayat Office, as the case may be, in **Form II** appended to these Rules. The Executive Authority or Commissioner or Secretary, as the case may be, shall scrutinize the entries in the Register and certify that the tabulation is correct with reference to the original Tenders which shall be preserved and made available for the purpose of Audit.

(2) A Contractor who withdraws his Tender after the acceptance of Tender by competent Authority without valid reasons to be decided by the Executive Authority or Commissioner or Secretary, as the case may be, shall be liable to have his name removed from the Register of Contractors for a period ranging from one to five years. The orders of Executive Authority or Commissioner or Secretary, as the case may be, removing the name of the Contractor from such register shall be communicated to the Contractor concerned by the Executive Authority or Commissioner or Secretary, as the case may be. An appeal shall lie to the Superintending Engineer (Rural Development) against the order of the Executive Authority or Commissioner or Secretary, as the case may be. Such appeal shall be preferred through the Block Engineer or Assistant Engineer (Rural Development) and the Executive Authority or Commissioner or Secretary, as the case may be and the Executive Engineer (Rural Development), within seven days from the date of receipt by the Contractor of the orders of the Executive Authority or Commissioner or Secretary, as the case may be. The orders of the Superintending Engineer (Rural Development) on such appeal shall be final.

22. Acceptance of Tender—(1) The lowest Tender shall be accepted. Where it is considered undesirable to accept the lowest Tender, the reasons shall be clearly recorded in writing by the Authority competent to accept the Tender and the case shall be disposed of in the manner specified in Rules 23 and 24.

(2) Where the capacity for the work and the integrity of a Tenderer are not known, his Tender need not necessarily be rejected. Such additional security not exceeding ten per cent of the contract amount as the Authority competent to accept the Tender considers necessary shall, however be taken from the Tenderer if the circumstances warrant such a course.

(3) Where the lowest Tender is rejected, the next lowest Tender shall be considered. If it is considered undesirable to accept that Tender also, the next highest Tender shall be considered. In every case of rejection of a Tender under this sub-rule, the reasons therefore shall be recorded in writing by the Authority competent to accept Tenders.

(4) In no case shall a Tender be accepted at rates other than those specified in the Tenders. In cases, where the Authority competent to accept the Tender considers the rate for certain items are pitched too high in the lowest Tender, he may negotiate with the above Tenderer with the approval of the next superior Authority and secure reasonable rates for those items without higher Authority's sanction.

(5) There shall be no avoidable delay in the disposal of Tenders after they are opened. In cases, where the Executive Authority or Commissioner or Secretary, as the case may be, is competent to dispose of Tenders without obtaining concurrence of others, the Executive Authority or Commissioner or Secretary, as the case may be, shall do so ordinarily within a week of the date on which they are opened and in any case within a period not exceeding one month. In other cases, no Tenders shall remain undisposed of for a period exceeding two months from the date on which they are opened.

23. Passing of orders—The Executive Authority or Commissioner or Secretary, as the case may be, with the approval of the Village Panchayat or Panchayat Union Council or District Panchayat, as the case may be, shall pass orders in accordance with the provisions of Rule 22 in the case of works the value or the amount of which does not exceed estimate rate. If the lowest Tender is not accepted and the person making such a Tender is a person competent according to the Register of Contractors to execute the works, the matter shall be referred to the Executive Engineer (Rural Development) concerned and the decision of the Executive Engineer (Rural Development) shall be final. The reference and the order thereon shall contain clear and convincing reasons for not accepting the lowest Tender.

16. GENERAL FUND WORKS

24. Exceeding the estimate amount -In the case of works the value or the amount of work which exceeds the estimate amount the Tender shall be settled after obtaining concurrence from the Authority competent to sanction or as specified in Rule 25.

25. Acceptance of Tender for special reasons -Tenders which exceed the estimated rate or amount shall not ordinarily be accepted. Where on the ground of urgency or for other special reasons, if it is proposed to accept such Tenders, the previous approval of the Authority specified in column (2) of the Table below shall be obtained:-

THE TABLE

| Value or the amount of the work | Authority |
|--|---|
| (1) | (2) |
| 1 Not exceeding rupees fifty thousand. | (a) The Assistant Executive Engineer (Rural Development). If the Tender rate exceeds the estimate rate by not more than three per cent. (b) The Executive Engineer (Rural Development), if the Tender rate exceeds the estimate rate by three per cent but not more than five per cent. (c) The Superintending Engineer (Rural Development), if the Tender rate exceeds the estimate rate by five per cent but not more than fifteen per cent. (d) State Government, if the Tender rate exceeds the estimate rate by more than fifteen per cent. |
| 2 Exceeding rupees fifty thousand but not exceeding rupees three lakhs | (a) Executive Engineer (Rural Development), if the Tender rate exceeds the estimate rate by not more than five per cent. (b) Superintending Engineer (Rural Development), if the Tender rate exceeds the estimate rate by more than five per cent but not more than fifteen per cent. (c) State Government, if the Tender rate exceeds the estimate rate by more than fifteen per cent. |
| 3 Exceeding rupees three lakhs but not exceeding rupees five lakhs | (a) Superintending Engineer (Rural Development), if the Tender rate exceeds the estimate rate by not more than fifteen per cent. (b) State Government, if the Tender rate exceeds the estimate rate by more than fifteen per cent. |
| 4 Exceeding rupees five lakhs. | State Government. |

26. Transparent execution of works.-(1) All works executed by the respective Panchayats shall be placed before the Village Panchayat, Panchayat Union Council and District Panchayat, as the case may be, and necessary follow-up action taken.

(2) A display board on each work exceeding rupees fifty thousand executed by the Contractor or otherwise in Village Panchayat, Panchayat Union or District Panchayat, as the case may be, shall be placed at the work site by the Contractor or the Executor executing the works at his cost as part of the work contracted with the following details:- (a) Name of the Scheme; (b) Name of the work (including year of sanction); (c) Estimate value; (d) Name of the contractor; (e) Date of commencement of work and (f) Date of completion of work.

16. GENERAL FUND WORKS**APPENDIX****FORM I****REGISTER OF CONTRACTORS**

[See rule 12]

| S. No. | Name of the Contractor | Address | Money limit of subsisting contracts which can be safely entrusted to him for execution at any one time in the course of one year. | Whether fit for supply of material only or for road works or for masonry works or all works in general | Number and date of the challan in which the fee for registration was paid | Remarks. |
|--------|------------------------|---------|---|--|---|----------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

FORM II**Tender Register**

[See rules 18 and 21]

| S. No. | Name of the Tenderer | Whether registered Contractor or not and if registered the serial number in the Register of Contractors. | Tender per centage | Amount of deposit | Engineer's recommendations | Orders of the Authority competent to accept the Tender |
|--------|----------------------|--|--------------------|-------------------|----------------------------|--|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT