

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENTDated, Agartala, the 26th February, 2021MEMORANDUM

Sub: eProcurement Rules with respect to:

- Management of Tender Fee (TF) & Earnest Money Deposit (EMD).
- Security Deposit Verification, Award of Contract (AOC) & EMD Refund-Forfeiture.
- Tender Revocation.

Finance Department vide the Memorandums stated hereunder, has mandated the following for "Tender Inviting Authorities" (TIA) with respect to eProcurement as implemented in the State Tender Portal at <https://tripuratenders.gov.in> :

Sl	Memorandum details	Subject
1	F.10 (SAB 1)/ FIN (EXPDT-1)/ 2019/ 956-1100 dated 17th Aug, 2019	Collection of Online Tender Fee & EMD Management: online Payment of Tender Fee & EMD, Receipt-Scrutiny of "Performance Bank Guarantee" (PBG), EMD Forfeiture & Auto-Refund after "Award of Contract" (AOC).
2	F.71(1)/ EProcurementCell/ 2017/ 20027-126 dated 8th Jan, 2020	Consideration of "Bank Guarantee" (BG) in lieu of EMD for High Value Tenders: Online payment of Tender Fee, Consideration of Bank Guarantee for EMD value more than 25 Lakhs & continuation of online payment of EMD for value less than 25 Lakhs, Receipt-Scrutiny of BG as well as PBG.
3	F.10 (50)-Fin(B)/ 2017.Part-I (Shadow)/ 4083-86 dated 24th Sep, 2020	Consideration of other instruments as EMD in lieu of Bank Guarantee: Consideration of EMD instruments (wherein the EMD is more than 25 Lakhs) like D-Call, Bank Draft, Cash Certificate, Banker's Cheque in addition to Bank Guaranty.

Since the related functionalities in the software are also evolving, it has been decided to consolidate the existing instructions incorporating necessary changes.

1. Management of TF & EMD:

- Tender Fee shall always be collected online through e-Tender portal. EMD for an amount upto Rs. 25 lakhs shall be collected in online mode through e-Tender portal whereas EMD for an amount more than Rs. 25 lakhs may be collected in any of the instruments like D-Call, Bank Draft, Cash Certificate, Banker's Cheque & Bank Guarantee.
- The Tender Fee and EMD amount collected through online mode shall reside in the Centralised Collection Pooling Account of the Finance Department till they are settled (ie. after Bid Opening).
- For State Government Departments, Tender Fee will be **Settled** into the Centralized Settlement Account being operated by the Finance Department. For State Government PSUs, Tender Fee will be settled into their respective Settlement Account, which they are required to configure when they get On-boarded into the Tripura Tender Portal.
- EMDs submitted by the bidders (including the L1) shall be refunded automatically in full to their respective bank account, after "Completion of AOC" or "Cancellation of Tender".
- A Bid could be **Rejected** at any Stage (ie. "Bid Opening", "Technical Evaluation", "Financial Opening", "Financial Evaluation" & AOC), with or without invoking the **Forfeiture** option. If a Tender Inviting Authority decided to forfeit EMD of any Bidder, it is required to invoke the **Forfeiture** Option for that bidder on the day of rejection only. EMDs will automatically be refunded by the Portal to the Bidder's Account, if not forfeited by the same day.
- The related procedure for EMD submission in the form of these instruments, during OL Bidding & post-Bid delivery of the physical instrument to the TIA, shall be detailed in DNIT. The above instruments are necessarily to be drawn-up before the closing of Bid, and a scanned copy of the instrument is required to be mandatorily uploaded with the Bid.

g) In the case of High-value tenders (wherein the EMD is more than 25 Lakhs), Departments has to follow the guidelines notified vide Memorandum No. F.71(1)/ EProcurementCell/ 2017/ 20027-126 dated 08-01-2020. Department has to scrutinize the physical copy, received in any instrument as EMD for their authenticity and validity (for the indicated Amount and Period in the related DNIT).

2. Security Deposit (i.e. Performance Guarantee) Verification, AOC & EMD Refund:

- a) After completion of **Financial Evaluation**, The Tender Inviting Authority Shall intimate the L1 Bidder(s) in writing to deposit Security Deposit (also known as "**Performance Guarantee**") in the form of either of "D-Call, Bank Draft, Cash Certificate or Banker's Cheque" by a closing date, and as indicated in the related DNIT.
- b) Department shall scrutinize all instruments received as Security Deposit for their authenticity-validity (for the indicated Amount and Period in the related DNIT). Department shall complete the AOC event in the Tripura eProcurement Portal, only after receipt of Security Deposit from the L1 Bidder(s).
- c) Both TF as well as EMD will automatically be refunded to the Bidders into their respective Accounts, if a Tender is Cancelled/ Re-Tendered before "Bid Opening".
- d) Even at AOC stage, the Portal allows for Rejection of a Bid, with or without Forfeiture. Also, if the TIA decides to change the L1 Bidder(s) at AOC stage differently from the outcome of the Financial Evaluation, the Portal will automatically consider all such Bidders graded not as L1 to be **Rejected** and also **Refund their EMDs**, unless explicitly **Forfeited** within the same day.
- e) AOC Corrigendum could be issued upto 15 days after completion of AOC [effectively allowing Post-eTender selection of L1 Bidder(s)], without any provision to Refund Forfeited EMDs or vice -versa.

3. EMD Forfeiture:

- a) Once the Forfeiture event is completed by the same day the Bid is rejected, EMD will be settled automatically in the Settlement Account of the Finance Department or the respective PSU Settlement Accounts.
- b) EMD for a Bidder can also be forfeited, after Cancellation of the Bid, provided the Bid has been opened.
- c) Once a Tender has been Revoked, Forfeiture is allowed only at the stage from where Revocation has been performed.

4. Revocation:

A tender could be revoked at any stage, before completion of AOC, with an option to revert back to either of a previous stage (Technical Bid Opening, Financial Bid Opening). This functionality is provided to handle exceptional scenarios only, like Court rulings against the instant Tender price discovery, and is therefore to be invoked only with the permission of the competent authority to be uploaded as **Revocation Summary**.

This order will come into force with immediate effect.

Vishal
25/2/24.
Dr. Vishal Kumar)
Joint Secretary to the
Government of Tripura

To:

- 1. All Principal Secretary/ Secretary/ Special Secretary/ DGP/ PCCF

- 2. All Head of Departments

Copy To:

- 1. PS to the Chief Secretary, for favour of kind information to the Chief Secretary.