

SUPREME COURT OF INDIA

Admn. Material (P&S) Section

F.No.Circular/AM/2008

November 12, 2008

C I R C U L A R

As approved by Hon'ble the Chief Justice of India vide Orders dated 27.1.2006 and further amended by His Lordship vide Orders dated 16.8.2006, 18.9.2006, 17.4.2007, 5.9.2007, 28.11.2007, 17.1.2008, 12.6.2008, 16.7.2008, 23.10.2008 and 4.11.2008 the following is the revised practice and procedure under Part (A) in Chapter XIII of Manual of Office Procedure (Part-I) (Administrative Side) regarding purchase of stores and procurement of services etc. -

"PART (A)

All purchases of stores for use in the Supreme Court shall be regulated in strict conformity with the following instructions:

1. Purchases shall be made in most economical manner in accordance with definite requirements of the Supreme Court. The stores shall not be purchased in small quantities. Periodical indents shall be prepared and as many articles as possible obtained by means of such indents. At the same time, care shall be taken not to purchase stores much in advance of actual requirements, if such purchase is likely to prove financially imprudent.

2. Where scale of consumption or limits of stores have been laid down by Hon'ble the Chief Justice of India, the Officer ordering the supply shall certify on the purchase order that the prescribed scales or limits are not exceeded.

3. Purchase orders shall not be split-up to avoid the necessity of obtaining the sanction of the Hon'ble the Chief Justice of India or the authorized officer with reference to the total amount of the orders.

- Supplementary purchase, if any, of an article shall be made with the approval of the Authority which has approved the main purchase provided that supplementary purchase of such an article not exceeding Rs.20,000/- in a financial year can be made with the approval of Registrar (HOO).

* Amended vide Orders dated 17.4.2007.

4. Purchases upto *** [Rs.5000/-] on each occasion may be made by the \$[Additional] Registrar incharge of purchases; purchases between ***[Rs.5001/-] and Rs.20,000/- may be made with the approval of Registrar (Head of Office) and above Rs.20,000/- with the approval of Hon'ble the Chief Justice of India. ****{provided that the total purchase made by \$[Additional] Registrar incharge of purchases, at his own level shall not exceed Rs.1,00,000/- in a financial year.}

5. In all cases of urgent needs DGS&D rate contracted items can be purchased on the recommendations of Committee of Officers constituted by the *Secretary General, from registered suppliers of DGS&D, at lowest available rates. The Committee shall make enquiries from at least 3 registered suppliers of DGS&D in order to obtain lowest rate. The price to be paid for such items should not exceed those stipulated in the DGS&D rate contract. Such purchases shall not exceed Rs.20,000/- at a time and Rs.1,00,000/- in a year. The Committee shall be required to give certificate in terms of Rule 146 of GFR in respect of each such purchase.

6. *DELETED*

7. If the response to any invitation to tender indicates that owing to inadequate publicity or some other reason adequate competition has not been resultant, fresh tenders should be invited and measures taken to bring the demand to the notice of all prospective tenderers.

8. (i) Unless otherwise permitted by the Hon'ble the Chief Justice of India, the minimum time for submitting the tender shall be three weeks from the date of publication of the tender notice or availability of the tender document, whichever is later.

(ii) Two weeks time shall be allowed for submission of Tender in Limited Tender Enquiry Cases, unless permitted otherwise by the **[Registrar (HOO) to give less time in case of urgent purchases].

* Amended vide Orders dated 17.4.2007.

** Amended vide Orders dated 5.9.2007.

*** Amended vide orders dated 12.6.2008

**** Deleted vide orders dated 12.6.2008

\$ Amended vide Orders dated 4.11.2008

9. Unless otherwise permitted by Hon'ble the Chief Justice of India, the following procedure for obtaining tenders shall be followed:

(i) Tender shall be obtained by

(a) Advertisement in *[Indian Trade Journal published by the Director General of Commercial Intelligence and Statistics, Kolkata;] at least one national daily published from Delhi having wide circulation; and on the web site of the Supreme Court;

(b) Direct invitation to a limited number of firms (limited tenders);

(c) Invitation to one firm only provided previous approval of Hon'ble the Chief Justice of India is obtained in writing.

(ii) The open tender system i.e. invitation to tenderers by public advertisement shall be adopted in respect of purchases of estimated value exceeding Rs.2,00,000/-.

(iii) Limited tender system shall ordinarily be adopted in respect of purchases exceeding Rs.5,000/- but not exceeding Rs.2,00,000/-.

10. The limited tender enquiry shall be sent by speed post/registered post/courier/e-mail/by hand under acknowledgement to all empanelled suppliers ****[/ service providers/ contractors, the suppliers/ contractors/ service providers registered with DGS&D for supply of that article or providing that service, as the case may be,] **[and also to Kendriya Bhandar and National Cooperative Consumers Federation of India Ltd. (NCCF)]*** [and the last supplier or last service provider, as the case may be]. For issue of limited tenders, the \$[Additional] Registrar incharge of purchases shall maintain a panel of reliable suppliers who are able to satisfy that they possess necessary equipment and facilities for supply of stores, which they offer. The list shall be prepared with the approval of the Hon'ble the Chief Justice of India, after publishing appropriate advertisement in Indian Trade Journal (ITJ) published by the Director General of Commercial Intelligence and Statistics, Kolkatta; a national daily published from Delhi and having

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* Deleted vide Orders dated 18.9.2006.

** Added vide Orders dated 17.4.2007.

*** Added vide Orders dated 5.9.2007.

**** Added vide Orders dated 17.1.2008

\$ Amended vide orders dated 4.11.2008

wide circulation; and on the website of the Supreme Court and scrutiny by a Committee of Officers, to be appointed by the * Secretary General. Hon'ble the Chief Justice of India can include the name of any supplier in that list and can delete any name from it. A Register containing the names and addresses of such suppliers shall be maintained and if any supplier is found not serving the Registry satisfactorily, that supplier shall be blacklisted, a note in this regard shall be given in the 'Register of Firms' and no dealing shall be made with that supplier.

11. Procurement from a single source may be resorted to in the following circumstances:-

- (i) It is in the knowledge of the \$[Additional] Registrar incharge of purchases that only a particular firm is the manufacturer and there is no authorized dealer of the required goods.
- (ii) In 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 competent authority obtained.
- (iii) For standardization of machinery or spare parts 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 supplier.

Proprietary Article Certificate in the following form shall be recorded by the \$[Additional] Registrar incharge of purchases, before procuring the goods from a single source:

(i) the indented goods are manufactured by M/s.

(ii) No other make or model is acceptable for the following reasons:

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.....

(iii) Approval of the competent authority vide:

(Signature with date of the Joint Registrar incharge of purchases)

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 * Amended vide Orders dated 17.4.2007.
 \$ Amended vide Orders dated 4.11.2008

12. Unless otherwise permitted by the Hon'ble the Chief Justice of India, negotiations shall not be made with the tenderers, except with the lowest tenderer. ** [in case of purchase of an article manufactured or sold by only one firm or purchase of a branded article.]

13. DELETED

14. It must be ensured that the articles purchased for the Supreme Court *[substantially] conform to the specifications which may be prescribed by the Hon'ble the Chief Justice of India. The appropriate specifications, if any, should be annexed to or quoted in the invitations to tenders and it should be stipulated in the conditions of contract that the article supplied will be subject to inspection and/or tests prescribed in the specifications before acceptance.

15. DELETED

16. All Purchases of stores and stationery shall be under the charge of one \$[Additional] Registrar. One Officer not below the rank of \$[Additional] Registrar, designated by the **** Secretary General, shall have surprise check, at least once in three months.

17. Tenders can be invited for purchase of the articles manufactured or sold by a particular firm / company or for purchase of branded articles if such an article is required by any Hon'ble Judge or if it is so permitted by the authority competent to make or approve the purchase.

18. For computer related purchases ***[and/or services] quotations shall also be invited from at least two vendors on the panel of NICS I for supply of the required article ***[/service]. No purchase from such vendors shall be made ***[and no service shall be procured] at a rate higher than that at which the article is supplied ***[or service is rendered] by him to NICS I.

19. Late tender (i.e. tenders received after the specified time of opening) delayed tenders (i.e. tenders received before the time of opening but after due date and time) and post tender offers should not be considered, *[without approval of Hon'ble the Chief Justice of India.]

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* Added vide Orders dated 5.9.2007.

** Deleted vide Orders dated 28.11.2007.

*** Added vide Orders dated 17.1.2008

**** Amended vide Orders dated 17.4.2007

\$ Amended vide Orders dated 4.11.2008

20. All the tenders shall be opened and signed by a Committee of Officers, constituted by *** [Registrar (Head of Office) in case of purchases/services of the value upto Rs.20,000/- (Rupees Twenty Thousand) and by Secretary General, in other cases], in the presence of such of the tenderers or their authorized representatives who may wish to remain present, at the date, time and place specified in the tender

21. Endeavour shall be made to purchase only durable products of good quality **[and to procure only quality services]. It shall be open to the Competent Authority, to accept a higher tender, if justified by durability and / or quality of the product ** [in case of goods or the goodwill, infrastructure, experience, expertise etc. of the tenderer in case of services] and appropriate provision in this regard shall be incorporated in the tender document.

22.A list of likely and potential capable suppliers/ contractors / service providers for the purpose of inviting limited tenders for outsourcing of services including annual maintenance contracts shall be prepared by \$[Additional] Registrar incharge of purchases, with the approval of Hon'ble the Chief Justice of India after giving suitable advertisement to be published in Indian Trade Journal published by the Director General of Commercial Intelligence and Statistics, Kolkatta; a leading national daily published from Delhi having wide circulation; and on the website of Supreme Court of India after scrutiny by a Committee of Officers, appointed by the *Secretary General. Wherever feasible, samples shall be called along with the tenders. The samples shall be signed by the Committee of Officers, in the presence of tenderers, at the time of opening the tenders. If, in the opinion of *Secretary General, it is not feasible or reasonably practicable to obtain samples, inspection of the articles shall be carried out by a Committee of Officers, appointed by the *Secretary General, at the place of the tenderer.

* Amended vide Orders dated 17.4.2007.

** Added vide Orders dated 5.9.2007.

*** Amended vide Orders dated 16.7.2008

\$ Amended vide Orders dated 4.11.2008

23. Article(s) ****[and works of the value of Rs.5,000/-(Rupees Five Thousand) and above shall be inspected by a Committee of Officers appointed by Registrar (Head of Office) in case of purchases of the value upto Rs.20,000/- (Rupees Twenty Thousand) and by *Secretary General, in other cases,] to verify that they meet the prescribed specifications in terms of quality, specifications etc. and are as per the approved sample if any. Quantity of the supplied goods shall also be verified by the Committee."

24. Wherever feasible, stamps / stickers / mark / Bar Coding of Supreme Court of India shall be put on all the articles.

25. Repacked goods or the goods which do not bear the name and address of the manufacturer shall not be purchased unless permitted by the authority competent to make purchase.

26. The Provisions contained in General Financial Rules and instructions issued by the Government of India thereunder shall apply to all the purchases unless they are repugnant to the provisions contained in this Chapter or directions of the Hon'ble the Chief Justice of India.

27. Selection of at least two registered suppliers of DGS&D for inviting limited tenders under Clause 10 shall be made *** [by Registrar HOO] in an objective transparent and fair manner and as far as possible, on rotational basis.

28. No Earnest Money shall be required from the suppliers whose names are included in the list maintained by \$[Additional] Registrar incharge of purchases or from registered suppliers of DGS&D/NSIC ** [and the dealers on the panel of NICSI.] Limited tenders shall not be invited from any firm which is neither a registered supplier of DGS&D/** [NSIC/on the panel of NICSI] nor included in the panel of suppliers maintained by \$[Additional] Registrar incharge of purchases, without previous approval of the Authority competent to make purchase. \$\$[Subject to the provisions contained in Clause 31 & 33 Earnest Money equivalent to 2%

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* Amended vide Orders dated 17.4.2007.

** Added vide Orders dated 17.4.2007

*** Added vide Orders dated 5.9.2007.

\$\$ Amended vide Orders dated 5.9.2007

**** Amended vide Orders dated 16.7.2008.

\$ Amended vide Orders dated

of the total cost of the goods/services] shall be obtained from such suppliers along with Tender if the total amount of purchase order is estimated Rupees One Lakh and above. Earnest Money shall be refunded to unsuccessful tenderers at the earliest after finalisation of the purchase.

29. Performance security *** [equivalent to 5% of the total cost of the order in case of goods of reputed brands * (or the goods for which the manufacturer's warranty is available in Delhi) and 10% of the total cost of goods/services in other cases] shall be obtained from the successful tenderers after adjusting their Earnest Money, if any, lying with the Registry. The security shall remain valid for 60 days after the warranty period or payment of the final bill, whichever is later.

30. Nothing contained in this chapter shall be construed so as to limit abridge or otherwise affect the power of Hon'ble the Chief Justice of India to make any purchase in any manner and from such source as he may deem appropriate.

31.***[In case of purchase/procurement of services by limited tenders] if only upto two tenders are received by the Registry, it shall be open to Registrar (Admn.) to invite sealed tender ** [on the same terms and conditions on which the Notice Inviting Tender was issued] from the ***[open market] so as to have adequate competition. But, it will be done without opening the tenders received by the Registry and all the tenders shall then be opened in the presence of such of the tenderers or their authorised representative who may wish to remain present, at the date, time and place to be notified to them.

****32. DELETED

** Added vide Orders dated 17.4.2007.

*** Amended vide Orders dated 5.9.2007.

**** Deleted vide Orders dated 5.9.2007.

* Added vide Orders dated 23.10.2008

\$ Amended vide Orders dated 4.11.2008

33. If **[limited tenders are invited and] it is found that the rates offered to the Registry are at least 20% higher than the rates at which last purchase was made or services were procured, it shall be open to Registrar (Admn.) to invite sealed tender * [on the same terms and conditions on which the Notice Inviting Tender was issued] from the vendor/contractor from whom last purchase was made or the services were last procured as well as from the open market from the vendor/contractor approved by Registrar (Admn.) for this purpose. But, the tenders so received shall be opened only in the presence of such of those vendors/contractors, who may wish to remain present, at the date, time and place to be notified to them.

34. If it is found that the rates offered by various tenderers for providing services, including providing material alongwith services, vary in respect of various items and/or services, Registrar (Admn.) shall on the basis of record of the previous contract, assess, which of the items and/or services are frequently required and shall recommend engagement of the contractor, whose services are likely to be most economical to the Registry.

35. If sample though required as per terms and conditions of the tender is not given by a tenderer, his tender shall not be taken into consideration. **[Registrar (HOO) shall, however, be competent to give opportunity to any tenderer(s) to give the sample or to furnish any deficient information, as the case may be, within such time as he may deem appropriate for the purpose.]

36. The sample which **[in the opinion of the Committee constituted under Clause 38 does not substantially] conform to the specifications prescribed in the tender, shall not be taken into consideration and the tender accompanied by such a sample shall be deemed to be invalid.

37. Unless otherwise approved by Hon'ble the Chief Justice of India, the purchase shall be made or the services shall be procured, as the case may be, from the lowest tenderer, provided that his product/service meets the specifications, if any laid down in the tender. No comparative assessment of the products/services, which conform to the required specifications, shall be made.

* Added vide Orders dated 17.4.2007.

** Added vide Orders dated 5.9.2007.

38. The Committee constituted for opening the tender shall sign the sample(s) received with the tender and shall also verify whether the samples received from the tenderers ***[substantially] conform to the specifications laid down in the tender or not. However, no comparative evaluation of the samples shall be made by the Committee, unless directed by the authority competent to make the purchase.

39. While inviting tender for purchase of a branded product or the product manufactured or sold by a single manufacturer/dealer, the Registry, besides inviting tenders from the empanelled dealers shall also invite tenders from the manufacture/dealer concerned as well as from Delhi/NCR based authorised Dealers, if any, of that product * [on the same terms and conditions on which the Notice Inviting Tender was issued. For branded product the samples may not be insisted upon].

**40. If on opening the tenders, it is found that only two or less valid tenders have been received, the matter shall be placed before the Authority competent to make purchases of the tendered item/service and further action shall be taken in terms of his orders.

41. Article (s) upto the value of Rs.5,000/- shall be inspected by a Committee of Officers to be constituted by the Registrar (Admn.) for the purpose.

* 42. If earnest money as well as samples are required from the bidders they will submit three separate envelopes, one containing the earnest money, other containing the sample if it can be conveniently kept in an envelope and the third one containing the tender document superscribing on the cover of the said envelopes accordingly. Tender opening committee shall first open all the envelopes containing the earnest money. If it is found that earnest money has not been deposited by at least three tenderers, the Committee will not open other envelopes and will submit its report accordingly. If earnest money is not required to be deposited but samples are required to be submitted and the samples can be conveniently kept inside the envelope the bidders will submit two separate envelopes, one containing the samples and the other containing the tender document. If tender opening committee finds that

* Added vide Orders dated 17.4.2007.

** Amended vide Orders dated 17.4.2007.

*** Added vide Orders dated 5.9.2007.

samples **[substantially conforming to the prescribed] specifications have not been given, except in cases where samples are to be shown for inspection at the place of the tenderer, by at least three tenderers, it shall not open the envelopes containing tender document and will submit its report accordingly.

* 43. If the samples are required to be given but they cannot be conveniently kept in an envelope, the envelopes containing earnest money, if required to be given by the tenderers shall be opened in the presence of such tenderers who wish to remain present at that time. If, however, no earnest money is required to be deposited and the samples cannot be conveniently kept in an envelope but are required to be given and/or to be made available for inspection at the place of the tenderer, only a list containing the names of the tenderers shall be prepared on the date and time stipulated for this purpose and tenderers or their authorised representative who may wish to remain present will be informed of the same by taking their signatures on the said list prepared for the purpose and the tender documents of such of the tenderers whose samples(s) **[substantially] conform to the prescribed specifications, shall be opened at a later date and time under intimation to the said tenderers, after inspection of the samples, either in the Registry or at the place of the tenderers, as the case may be.

** 44. If limited tenders are invited and the tenders are not opened by the Tender Opening Committee on the ground that Earnest Money and/or Sample substantially conforming to the prescribed specifications has not been received from at least 3 tenderers, it shall be open to the Registrar (HOO) to give opportunity to those tenderers who have not submitted the Earnest Money and/or Sample substantially conforming to the prescribed specifications, to submit the Earnest Money and/or Sample substantially conforming to the prescribed specifications, as the case may be, within such time as he may fix for the purpose.

** 45. For purchase of branded items estimated to costs upto Rs.2 lacs, limited tenders shall be invited from the manufacturer, authorized distributors/dealers/partners based in NCR

* Amended/Added vide Orders dated 17.4.2007.

** Added vide Orders dated 5.9.2007.

and the last supplier if any of the item, **[besides empanelled suppliers, if any, for that item, vendors, if any registered with DGS& D for that item, and at least 2 vendors on the panel of NICSI (in case of computer related items).] If however, the number of such authorized distributors/dealers/partners, in the opinion of Registrar (HOO) is very high, and therefore, it is not conveniently possible to invite limited tenders from all of them, he shall select *[at least 10] authorized distributors/dealers/partners from whom the limited tenders are to be invited.

* Added vide Orders dated 17.1.2008

** Amended/substituted vide Orders dated 17.1.2008

(SUNIL THOMAS)
REGISTRAR (ADMN.)
11.2008

Copy to : All concerned