



ଓଡ଼ିଶା ସରକାର
ଗ୍ରାମ୍ୟ ଉନ୍ନୟନ ବିଭାଗ
GOVERNMENT OF ODISHA
DEPARTMENT OF RURAL DEVELOPMENT

By Fax/E-mail,
ଓଡ଼ିଶା ରାଜ୍ୟ
ସଚିବାଳୟ ମାର୍ଗ, ଭୁବନେଶ୍ୱର
Odisha Secretariat, Sachibala,
Bhubaneswar-75
Fax. 0674-2531
E-mail- rdsec.or@nic

No. 28185300552012/RD

Dt. 23-Jun-18

From

Sri A.K.Prusti, OFS(SAG)
FA-cum-Additional Secretary

To

The EIC, Rural Works, Odisha,
Bhubaneswar

Sub: Clarification regarding single tender.

Sir,

In inviting a reference to the captioned subject, I am directed to say that the matter of "Acceptance of Single Tender" is decided as per amended provisions of Note-(III) of Para- 3.5.18 of OPWD Code Vol.-I and Rule-29 of Appendix-IX of OPWD Code Vol.-II issued vide Works Department Office Memorandum No. 16/W dt. 01.01.2015 which is reproduced for ready reference.

"After careful consideration Government have been pleased to make following modification to Note-(III) of Para- 3.5.18 of OPWD Code Vol.-I and Rule-29 of Appendix-IX of OPWD Code Vol.-II for Acceptance of Single Tender in response to a Notice Inviting Tender.

Note-III of Para- 3.5.18 – The single Tender received in first call shall be cancelled without opening the bid. The acceptance of the single tender received, even after retendering should have prior approval of the next higher authority.

Rule – 20 of Appendix –IX – When in response to a notice calling for tenders, only a single tender is received in the first time, the tender shall be cancelled without opening of the bid and fresh tender be invited publicly . If single tender is received, even after retendering then the approval of next higher authority should be obtained, if the tender is otherwise be in order and acceptable".

In the said provisions, there was genuine doubt whether in response to a notice calling tenders, in the first time, more than one participation is made and after technical evaluation only one responsive bidder is qualified for work, shall be treated as single tender and decided as per above provisions or not.

In this regard, on a reference of a case in which, in the first tender call notice , out of four participants only one bidder was qualified in the technical evaluation, Law Department have advised to decide the case in the light of settled position of Law as per orders of Hon'ble Odisha High Court in their judgement passed on 09.05.2017 in W.P.(C) No.22315 of 2016 in case of M/s Debabrata Samal Vrs. State of Odisha. In the said case, out of five participants the petitioner was the only qualified bidder in the technical evaluation and the Hon'ble Court have passed the following order "we hold that the bid of the petitioner is to be treated as a 'single tender' and further hold that even when there may be several tenders filed but only a single tender is found to be qualified, the same should be treated as 'single tender', as there would be no competitive price bidding".

In this matter it is relevant to draw a reference to the Letter No. 3570 dt. 08.02.2018 of Department of Water Resources containing clarification regarding single tender wherein it has been conveyed that on reference in the matter of single tender, the Works Department have clarified as under:

"Works Department O.M. No.16 Dt. 01.01.2015 implies that single tender received in first call shall be cancelled without opening of bid and in case when more

than one tender have been received in the first call and only a single tender is found to be responsive, the same is liable to be cancelled due to lack of competitive price bidding”.

It is therefore informed that the above instructions may be followed scrupulously for deciding the cases of single tender.

Yours faithfully,



FA-cum-Addl. Secretary to Govt.

CC:

All Chief Engineers/ Superintending Engineers/ Executive Engineers of Rural Works Organisation under R.D. Department for information and necessary action.