



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th April 2018 and is hereby published for general information:—

ACT No. 17 of 2018.

An Act further to amend the Tamil Nadu Transparency in Tenders Act, 1998.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Transparency in Tenders (Second Amendment) Act, 2018. Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification, appoint.

Tamil Nadu Act 43 of 1998. Amendment of section 2.
2. In section 2 of the Tamil Nadu Transparency in Tenders Act, 1998 (hereinafter referred to as the principal Act), after clause (e), the following clause shall be inserted, namely:—

“(ee) ‘Service’ means any subject matter of procurement but does not include any goods or constructions or hiring of any person to represent the procuring entity or give advice on Legal matters in any judicial or quasi judicial proceeding.”.

3. In section 3 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:— Amendment of section 3.

“(3) Notwithstanding anything contained in sub-section (1), a procuring entity may procure goods or services through a Government department or Government undertaking, nominated by the Government by notification to act as an agency for procuring specified classes of goods or services on behalf of any procuring entity upon payment of a fee:

Provided that no procurement shall be made by the nominated agency except by tender.”.

Amendment of
section 6.

4. In section 6 of the principal Act,—

(1) in sub-section (1), for the expression, “as the case may be, within such time as may be prescribed”, the expression “as the case may be, in such manner and within such time as may be prescribed” shall be substituted;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Tender Bulletin shall be delivered to registered subscribers by e-mail and shall also be published in a dedicated website administered by the State Tender Bulletin Officer for view and download by any person.”.

Amendment of
section 9.

5. In section 9 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3-A) The Tender Inviting Authority shall also cause the Notice Inviting Tender hosted in the dedicated website administered by the State Tender Bulletin Officer.”.

Amendment of
section 10.

6. In section 10 of the principal Act, to sub-section (2), the following provisos shall be added, namely:—

“Provided that the Tender Accepting Authority shall accept the tender of domestic enterprises, not being the lowest tender, upon satisfaction of such conditions as may be prescribed, in respect only of goods manufactured or produced and services provided or rendered by them, and only to the extent of not exceeding twenty five per cent of the total requirement in that procurement, if such domestic enterprise is willing to match the price of the lowest tender:

Provided further that the Tender Accepting Authority shall accept the tender of a department of Government, Public Sector Undertaking, Statutory Board and other similar institutions as may be notified, not being the lowest tender, upon satisfaction of such conditions as may be prescribed, in respect only of goods manufactured or produced and services provided or rendered by them, and only to the extent of not exceeding forty per cent of the total requirement in that procurement, if such tenderer is willing to match the price of the lowest tender:

Provided also that in case of a single procurement, the total procurement under the above two provisos shall not exceed forty percent of the total requirement in that procurement.”.

Amendment of
section 16.

7. In section 16 of the principal Act,—

(1) after clause (b), the following clause shall be inserted, namely:—

“(bb) of a service, other than operations and maintenance, project or facility management, supervision, supply of manpower, outsourcing of tasks, leasing of machinery, equipment or vehicles and insurance, in any particular instance of procurement declared by the Government by notification, upon the recommendation of a committee comprising the Secretary of the department concerned of the Government, Secretary of Finance department or his representative, the Chief Executive Officer or the head of the procuring entity, one technical representative of the procuring entity and one representative from a reputed Academic or Research Institution or Non-commercial Institution having expertise in such line;”;

(2) clause (c), including the proviso thereto, shall be omitted;

(3) clause (dd), including the provisos thereto, shall be omitted;

(4) for clause (e), the following clause shall be substituted, namely:—

“(e) from the rate contracts of Association of State Road Transport Undertakings;”;

(5) in clause (f), for the expression, “by similar organisations”, the expression “from similar organisations” shall be substituted;

(6) after clause (l), the following clause shall be added, namely:—

“(m) from the Government e-Marketplace - Special Purpose Vehicle through rate contract, on-line bidding, on-line reverse auction and any other mechanism provided by the said Government e-Marketplace - Special Purpose Vehicle, as may be notified by the Government.”.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.