

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পরিকল্পনা মন্ত্রণালয়
বাস্তবায়ন পরিবীক্ষণ ও মূল্যায়ন বিভাগ
শের-ই-বাংলা নগর, ঢাকা।

নং-আইএমইডি/সিপিটিইউ/পিপিআরপি০১০৩জি/৮৩১২

তারিখ : ২৭-১২-২০০৪ খ্রিঃ

প্রজ্ঞাপন

বিষয় : “The Procedures for Implementation of The Public Procurement Regulations, 2003” এর কতিপয় সংশোধনী।

গণখাতে ক্রয় ও সংগ্রহ কার্যক্রমে স্বচ্ছতা ও জবাবদিহিতা প্রতিষ্ঠা, ক্রয় কার্যক্রম পরিচালনায় অনুকূল পরিবেশ সৃষ্টি, সকল দরদাতার প্রতি সমআচরণ নিশ্চিত করা এবং ক্রয় ও সংগ্রহ সংক্রান্ত প্রশাসনে গতিশীলতা আনয়ন ও দক্ষতা বৃদ্ধির লক্ষ্যে সরকার ৩০ সেপ্টেম্বর, ২০০৩ তারিখে “The Public Procurement Regulations, 2003” এবং ৩১ মার্চ, ২০০৪ তারিখে “The Procedures for Implementation of the Public Procurement Regulations, 2003” জারি করিয়াছে।

২। “The Public Procurement Regulations, 2003” এর কতিপয় প্রবিধান সরকার ইতিমধ্যে সংশোধন করায় তদনুযায়ী “The Procedures for Implementation of the Public Procurement Regulations, 2003” (মার্চ, ২০০৪ ও সেপ্টেম্বর, ২০০৪ সংস্করণ) এর নিম্নরূপ সংশোধন করা হইল:

Regulation No.	Nature of Amendment	Amendment
Regulation 3 Scope of application	New Clause	3(5) In the event of an urgent national need of procurement the Government may, following a recommendation of the Cabinet Committee of Economic Affairs (CCEA), reduce the time period for procurement processing. If a Procuring Entity considers the need of the object of procurement to be “urgent” and of “national importance”, it shall place a proposal to the CCEA presenting the rationale in cogent terms and suggesting the reduced time period for procurement processing. The CCEA will consider the proposal, and if in agreement it will recommend to the Government (stating the reduced time period) that approval be given to apply Regulation 3(5) to the particular object of procurement. Upon receipt of the approval the Procuring Entity shall act accordingly. However, this provision shall be used only in exceptional circumstances and must not become a routine matter.
Regulation 18 Conditions for use of Direct Procurement Method	New Clause before last Para	18(3) For purchase of goods and related services from a Government-owned industry/factory, a Procuring Entity has the option to choose the Open Tendering Method under Regulation 16, or the Direct Procurement Method. Wherever possible the Open Tendering Method should be the first consideration, but if the circumstances so warrant then the Procuring Entity shall obtain the approval of the Head of a Procuring Entity, or an officer authorised by him/her, before using the Direct Procurement Method.
Regulation 20 Conditions for use of Request for Quotations Method	New Clause	20(3) A Procuring Entity may engage in procurement by means of Request for Quotations (RFQ) in accordance with Regulation 40 for purchase of goods and related services required for maintenance/urgent repairs to: (a) equipment of public sector utilities being handled in their operation/maintenance workshops, so long as the estimated value of the contract does not exceed

Regulation No.	Nature of Amendment	Amendment
		<p>the amount specified in Appendix A. Under this provision a Procuring Entity may purchase by means of an RFQ any spare parts or related services for the maintenance or repair of any public sector utility equipment (buses, locomotives, rolling stock, ships, ferries, aircraft, power stations/installations, telecommunication installations, gas installations, water installations, etc) if it is maintaining or repairing the equipment in its own workshops.</p> <p>(b) processing or production plant in public manufacturing industries, so long as the estimated value of the contract does not exceed the amount specified in Appendix A. Under this provision a Procuring Entity may purchase by means of an RFQ any spare parts or related services for the maintenance or repair of any processing or production plant (fertiliser, chemicals, steel & engineering, cement, petroleum, small & cottage industries, etc) if it is maintaining or repairing the equipment in its own workshops.</p> <p>(c) equipment of National Carriers, whilst it is outside Bangladesh, so long as the estimated value of the contract does not exceed the amount specified in Appendix A. Under this provision a Procuring Entity may purchase by means of an RFQ any spare parts or related services for the servicing or repair to any aircraft, or ship, which might need such servicing or repair but is outside Bangladesh at the time of the need (e.g. an aircraft is at London Heathrow Airport awaiting urgent attention for servicing or repair; or a ship is at Singapore Harbour awaiting a similar type of attention) and must be repaired urgently utilising the facilities available from the appropriate authority authorised to carry out the servicing or repairs,</p> <p>This Regulation would be applicable to Bangladesh Railway, Bangladesh Biman, Bangladesh Shipping Corporation, PDB, Titas Gas, WASA, BCIC, BIWTC, BRTC, BSCIC, BSEC, Petrobangla, and other such public bodies which may wish to use this provision for procurement of equipment/spare parts for their operation and maintenance workshops and/or industrial plant/factory to keep their system in operation and unimpeded production.</p>
Regulation 24 (1) Invitation for tender	Amendment in Para 3	<p><i>With regard to Regulation 24(1)(d) following three (3) options may be considered :</i></p> <ul style="list-style-type: none"> - <i>where tenders are submitted and opened at one (the primary) place, the opening should be carried out immediately after the deadline for closing. In general, this means within 30 to 60 minutes of the submission time stated in the Tender document;</i> - <i>however, in view of the logistical difficulties experienced by some Procuring Entities, and only under special circumstances with the prior permission of a Head of a Procuring Entity or an officer authorised by him/her, it is permissible for tenders to be submitted to the concerned Procuring Entity at more than one (the secondary) place, provided all such tenders are brought to the one (the primary) place for public opening within:</i>

Regulation No.	Nature of Amendment	Amendment
		<ul style="list-style-type: none"> - <i>the same calendar day of tender closing time for tenders submitted in more than one (the secondary) place in the geographical boundary of a Greater District; or</i> - <i>the twenty-four (24) hour time period after tender closing time for tenders submitted in more than one (the secondary) place in two or more Greater Districts. However for this case, the Procuring Entity must not fix the tender closing date for a day which immediately precedes a day on which government offices are officially closed.</i> <p>This process of submitting tenders is generally referred to as 'multiple dropping' and for the purpose of this procedure, the terms 'primary' and 'secondary' place(s) shall be used. The 'primary place' is the office of the Procuring Entity where the tenders shall be received and opened. The secondary place(s) are where tenders shall only be received and no tender opening shall occur at such place(s).</p>
Regulation 24(2) Invitation for tender	Amendment in Para 1 & 2	<p>(2) The time allowed for Tenderers to prepare their tenders for :</p> <ul style="list-style-type: none"> - open tendering for goods and related services and works and physical services shall not be less than 21 days; and for - restricted tendering for goods and related services shall not be less than 14 days; and for works and physical services shall not be less than 21 days. <p>For the purpose of fixing the tender opening date, the Procuring Entity shall take into consideration the probable time it will take to publish the tender advertisement in the national newspapers. The probable time to publish the tender advertisement and the minimum time allowed for submission of tender as stated above shall be added together to fix the tender opening date. For example in case of Open Tendering Method, if the probable time it will take to publish the tender advertisement is seven (7) days then the minimum tender opening date in the tender document shall be set for the 28th day (7 days + 21 minimum days) from the day the tender advertisement was sent to the newspaper.</p>
Regulation 24(3) Invitation for tender	New Clause before last 3 Para	<p>(3) <i>When Open Tendering Method is to be used for rehabilitation following a catastrophic event (severe flooding, earthquake, cyclone, etc), the time allowed for tenderers to prepare their tenders for goods and related services and works and physical services shall not be less than 14 days.</i></p> <p><i>However, in situations where immediate need for repair or assistance is apparent, then the provisions of Regulations 18 (1) (h) shall apply.</i></p>
Regulation 24(4) Invitation for tender	New Clause after new Clause (3) and before last 3 Para	<p>(4) <i>In the event of re-tendering the time allowed for tenderers to prepare their tenders shall not be less than 14 days. However, re-tendering will only be applicable when the original tender process was not conclusive or tenders were rejected under Regulation 14. Before re-tendering the Procuring Entity shall look into the reasons for re-tendering, such as reassessment of design and specifications, scope of the contract, conditions of the</i></p>

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		<i>proposed contract, or any combination of these factors and revise the tender documents as explained in the Procedures under Regulation 14(2) before proceeding to re-tender.</i>
Regulation 37(1)(a) Restricted Tendering Method	Amendment in Para 2	<i>Procuring Entities, which maintain updated lists of enlisted/qualified potential Tenderers under Regulation 12(7), may select Tenderers to be invited from among those listed without going through advertisement as per Regulation 21. The selection shall be open to all enlisted tenderers, and a minimum of three tenders are required, to enable an effective evaluation to be made, prior to submitting the recommendation for an award of contract.</i>
Regulation 41 Open tendering with international competition	Amendment in Regulations (1)(c)	(c) the time allowed for submission of tenders shall be sufficient to allow the invitation to reach potential Tenderers and to enable them to prepare and submit tenders. The time allowed shall not be less than forty-two (42) days and in case of re-tendering not less than twenty-eight (28) days. However, re-tendering will only be applicable when the original tender process was not conclusive or tenders were rejected under Regulation 14. Before re-tendering the Procuring Entity shall look into the reasons for re-tendering, such as reassessment of design and specifications, scope of the contract, conditions of the proposed contract, or any combination of these factors and revise the tender documents as explained in the Procedures under Regulation 14(2) before proceeding to re-tender. The re-tender should be advertised under Regulation 21;
Appendix A Schedule of Times and Values Currently in Force		
17(2)	Amendment to Schedule	17(2) <u>Conditions for use of restricted tendering method</u> Taka 10 lakh in the case of goods and physical services Taka 25 lakh in the case of works.
20 (3)	New Schedule	20 (3) The amount shall be Taka 5 lakh for each object of procurement.

৩। “The Procedures for Implementation of the Public Procurement Regulations, 2003” এর উক্ত সংশোধন জনস্বার্থে জারি করা হইল এবং ইহা অবিলম্বে কার্যকর হইবে।

রাষ্ট্রপতির আদেশক্রমে

স্বা/-

মুহম্মদ আবুল কাশেম
ভারপ্রাপ্ত সচিব

বিতরণ :

- ০১। মন্ত্রিপরিষদ সচিব, মন্ত্রিপরিষদ বিভাগ, বাংলাদেশ সচিবালয়, ঢাকা।
- ০২। মুখ্য সচিব, প্রধানমন্ত্রীর কার্যালয়, পুরাতন সংসদ ভবন, তেজগাঁও, ঢাকা।
- ০৩। সেনা প্রধান, বাংলাদেশ সেনাবাহিনী, সেনাবাহিনী প্রধানের সচিবালয়, সেনা সদর, ঢাকা সেনানিবাস, ঢাকা।
- ০৪। নৌ-বাহিনী প্রধান, নৌ সদর দপ্তর, বনানী, ঢাকা-১২১৩।
- ০৫। বিমান বাহিনী প্রধান, বিমান বাহিনী সদর দপ্তর, ঢাকা সেনানিবাস, ঢাকা।
- ০৬। মহাহিসাব নিরীক্ষক ও নিয়ন্ত্রক, মহাহিসাব নিরীক্ষক ও নিয়ন্ত্রকের কার্যালয়, অডিট ভবন, কাকরাইল, ঢাকা।
- ০৭। গভর্নর, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, মতিঝিল, ঢাকা।

- ০৮। সদস্য, , পরিকল্পনা কমিশন, শের-ই-বাংলা নগর, ঢাকা।
(সকল বিভাগ)
- ০৯। সচিব/ভারপ্রাপ্ত সচিব, মন্ত্রণালয় / বিভাগ।
(সকল মন্ত্রণালয় /বিভাগ)
- ১০। চেয়ারম্যান, বাংলাদেশ পাবলিক সার্ভিস কমিশন, পুরাতন বিমান বন্দর, তেজগাঁও, ঢাকা।
- ১১। চেয়ারম্যান, বাংলাদেশ বিশ্ববিদ্যালয় মঞ্জুরী কমিশন, আগারগাঁও, ঢাকা।
- ১২। মহাপুলিশ পরিদর্শক, পুলিশ অধিদপ্তর, পুলিশ হেড কোয়ার্টার, ফুলবাড়িয়া, ঢাকা।
- ১৩। উপাচার্য, বিশ্ববিদ্যালয়।
(সকল বিশ্ববিদ্যালয়)
- ১৪।
(সকল কর্পোরেশন/স্বায়ত্বশাসিত সংস্থা প্রধান)
(তঁার অধীন সকল সংস্থা/অফিসকে অবহিত করণের জন্য অনুরোধ জানানো যাচ্ছে)
- ১৫। বিভাগীয় কমিশনার, বিভাগ।
(সকল বিভাগ)
- ১৬।
(সকল বোর্ড/কমিশন/অধিদপ্তর/পরিদপ্তর/বাস্তবায়নকারী সংস্থা প্রধান)
(তঁার অধীন সকল সংস্থা/অফিসকে অবহিত করণের জন্য অনুরোধ জানানো যাচ্ছে)
- ১৭। জেলা প্রশাসক, জেলা।
(সকল জেলা)
- ১৮। মাননীয় মন্ত্রী/প্রতিমন্ত্রী/উপমন্ত্রীর একান্ত সচিব, মন্ত্রণালয় / বিভাগ।
(সকল মন্ত্রণালয় /বিভাগ)