



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA
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GHANDAL DISTRICT SHIMLA, HIMACHAL PRADESH-171014
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Website: <http://hpnlu.ac.in>

No. 33-1/21-HPNLU/Estt. 2754

Dated: ~~09~~-09-2022
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NOTIFICATION

On the recommendations of the Finance Committee, the Executive Council vide resolution No. 2(7) of its meeting held on 27.08.2022 has approved the Purchase Policy of the University, the Guidelines/Policy for implementation the provisions of the Himachal Pradesh National Law University, Financial Regulations, 2020 (as Annexure- I).

Endst. No. even.

Copy to:

1. The Finance Officer, HPNLU, Shimla.
2. The Section Officer (Accounts), HPNLU, Shimla.
3. I.T. Cell to insert in the Financial Regulation on the University Website.
4. P.A. to Hon'ble Vice-Chancellor HPNLU, Shimla.
5. P.A. to Registrar, HPNLU, Shimla.
6. Guard file.

Registrar
HPNLU, Shimla
Dated: ~~09~~.09.2022
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Registrar
HPNLU, Shimla

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[PROCUREMENT PROCEDURE F.Y 2022-23]

This Manual outlines the procedures to be adopted for the purchase of various kinds of goods and services by University and its various Departments from University's main account as well as from the projects funds.

PROCUREMENT PROCEDURE - 2022-23

This manual outlines the detailed Instructions and guidelines for Procurement of goods and services by all the departments and Offices of Himachal Pradesh National Law University, Shimla. **The policy and guidelines are meant to implement in a fair manner in accordance with the provision contained in the HPNLU, Financial Regulation, 2020 . Accordingly, the various provision of this procurement policy shall be construed in consonance with subject to the rules and regulations contained in the HPNLU, Financial Regulation, 2020 .**

Every University spends a sizeable amount of its budget for purchasing the various types of goods & services for the proper & efficient functioning of University and its related Departments. It is imperative that these purchases are made following a uniform, systematic efficient and cost effective procedure in accordance with the relevant rules and regulations of the Government. Public buying should be conducted in a transparent manner to bring competition, fairness and elimination of arbitrariness in the system. Public procurement procedure must conform to exemplary norms of best practices to ensure efficiency, economy and accountability in the system.

The procedure to be followed in making public procurement must conform to the following yardsticks:

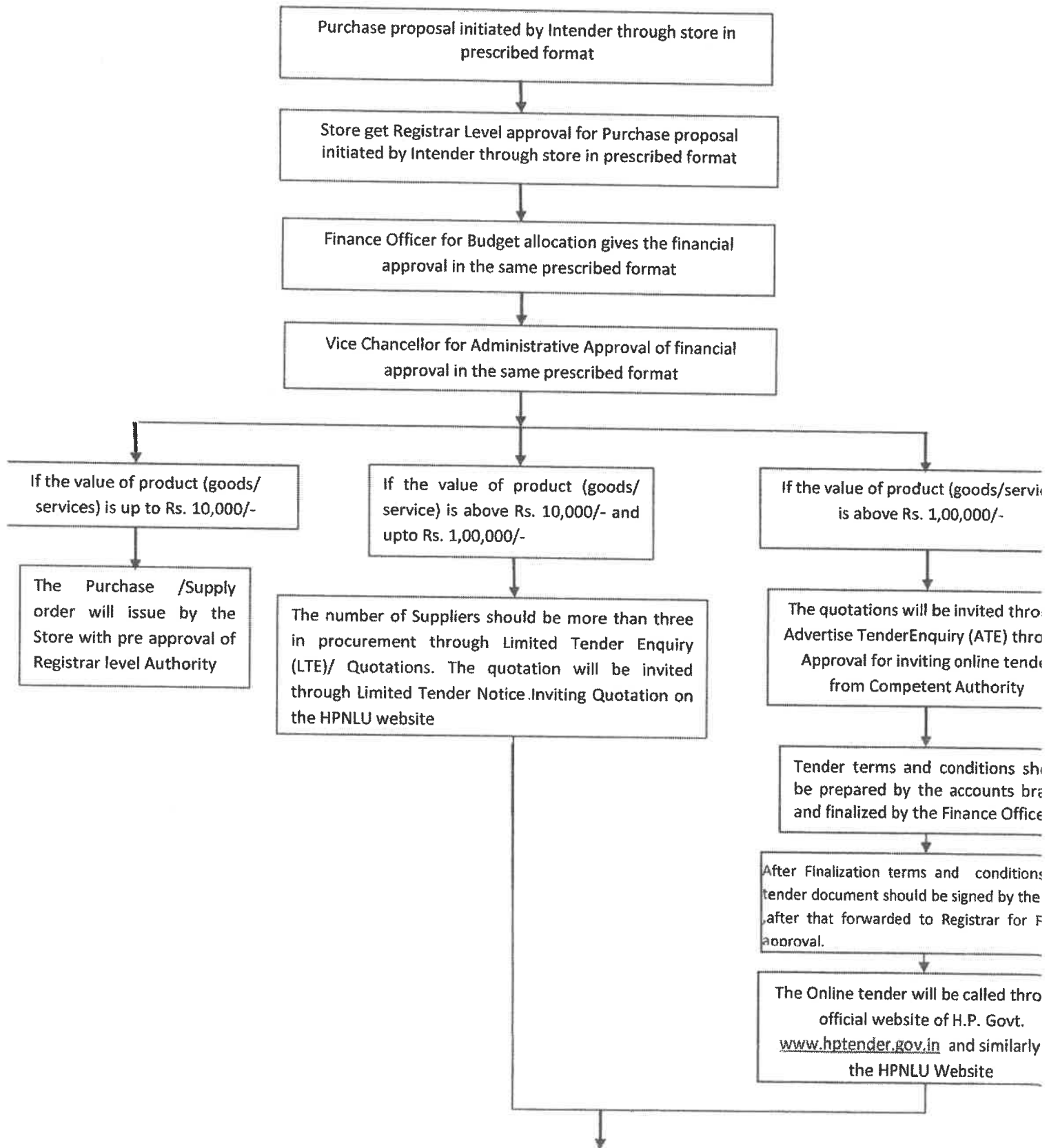
- i. The specifications in terms of quality, type etc., as also quantity of goods to be procured, should be clearly spelt out keeping in view of the specific needs of the University. Quantity of items / services to be procured should be clearly indicated in the quotation enquiry so as to get more competitive rates. The specifications so worked out should meet the basic needs of the University without including superfluous and non-essential features, which may result in unwarranted expenditure.
- ii. Care should also be taken to avoid purchasing quantities in excess of requirement to avoid inventory carrying costs.
- iii. Offers should be invited following a fair, transparent and reasonable procedure.

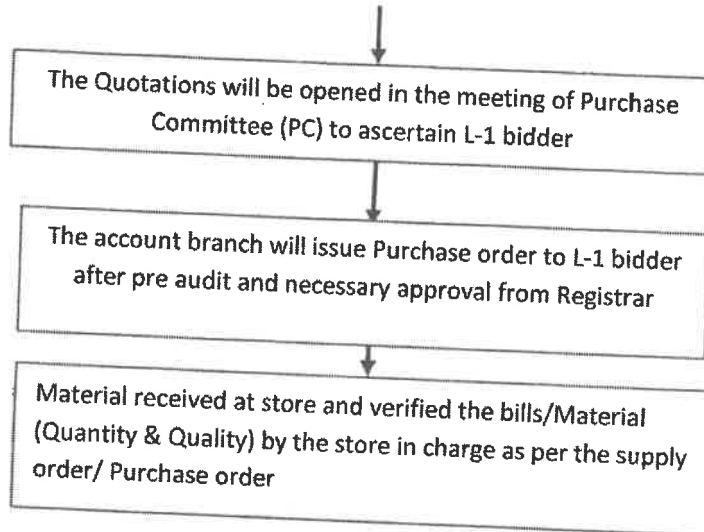
- iv. A demand for goods should not be divided into small quantities to make piecemeal purchases so as to avoid necessity of obtaining sanction of higher authority required with reference to the estimated value of the total demand.
- v. The procuring authority should be satisfied that the selected offer adequately meets the requirement in all respects.
- vi. All major procurement proposals should be included in the annual budget of the University.
- vii. It must be ensured that funds are available for purchase of goods and no liability incurred in anticipation of funds/grants.
- viii. It must be ensured by the University that suppliers of goods and services are paid their dues within the time specified in the purchase order/contracts.
- ix. The Officers and Staff of the University responsible for procurement should process all papers in a speedy and transparent manner, answering queries from indenting departments as well as from suppliers with courtesy and accuracy.
- x. The purchase procedure should be simple, transparent, unambiguous and should be implemented by spending a reasonable quantity of administrative time and effort.

To achieve that has been stated in above, it is essential that the every purchase official/department be provided with all the required rules, regulation, instruction and guidelines for the procurement of goods and services. These below instructions along with the financial regulations 2020 of HPNLU, are applicable to all the purchases made in Himachal Pradesh National Law University.

This manual has been framed also keeping the point of view the special circumstances and requirements of the Himachal Pradesh National Law University. Amendments, modifications and clarification of this manual should be made with and notified with the approval of the finance committee & governing council of the university. In the matter of any interpretations or disputes regarding any clause/provision of this manual, the decision of the finance committee and the governing council shall be final and binding.

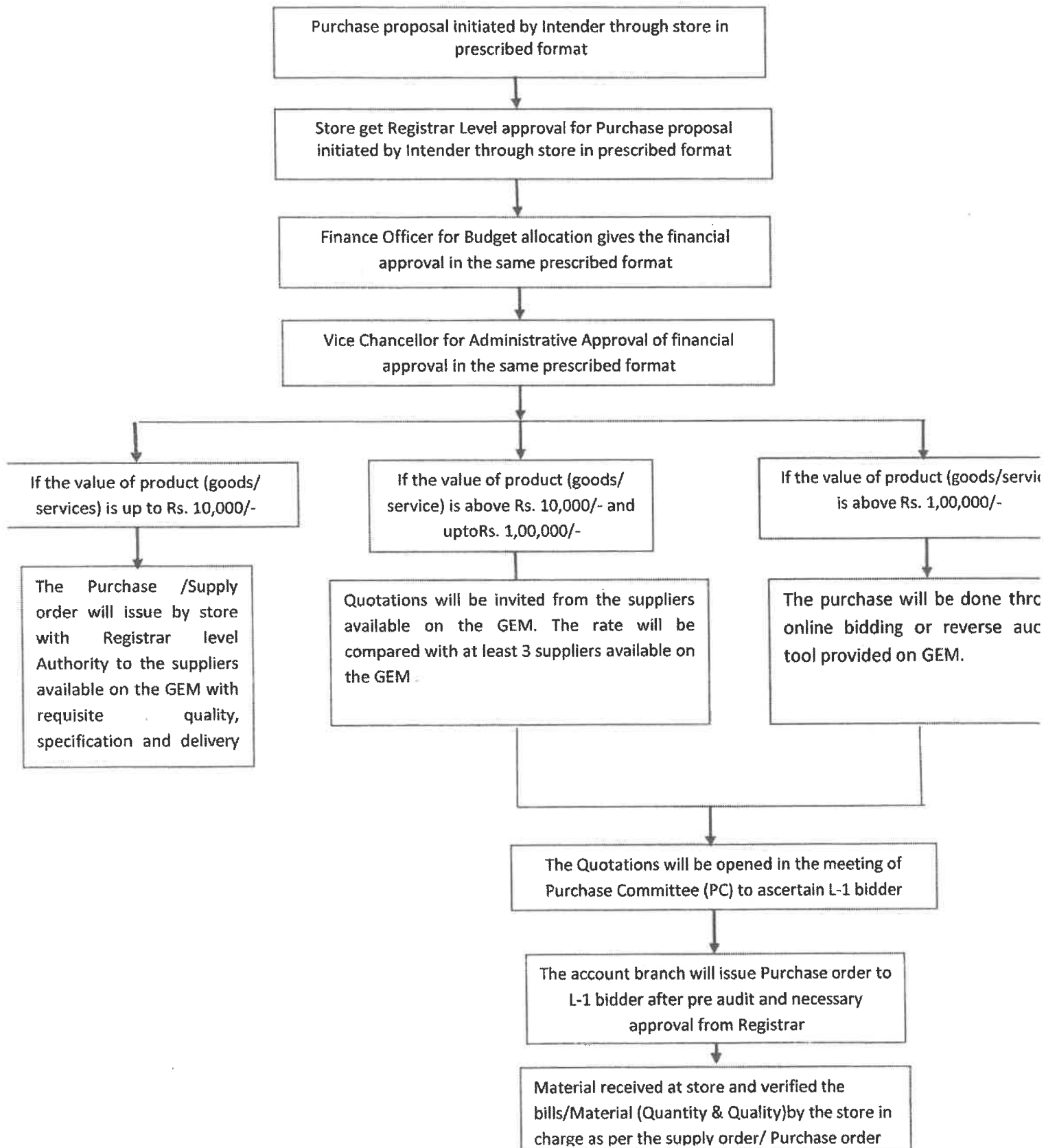
AT- A- GLANCE





Purchase of items through Government E-MarketPlace(GeM)

AT- A- GLANCE



Introduction

Himachal Pradesh National Law University decide to adopt a procedure goods and service as detailed in the succeeding paragraph:

1. Goods and services:

Goods and services include all the articles, materials, commodities and consumables, whether indigenous or imported services and manpower, commonly required for university use, namely:

Goods:

1. Furniture for classrooms, Laboratories, Hostels, Libraries and Offices etc.
2. Electrical Goods & Equipment including Fans, Gen-sets, Invertors, Batteries etc.
3. Electronic Gadgets, including water coolers, Refrigerators, Air Conditioners etc.
4. Sanitary & Plumbing items.
5. Computers & accessories.
6. Office Equipment including Almirah, Photocopiers, Printers, Scanners, Projector etc.
7. Paper, stationery items and office consumables.
8. Printing of forms and stationery
9. Computer software
10. Laboratory equipments/Major Scientific equipments.
11. Laboratory Chemicals, consumables, Glass Wares etc.
12. Uniform and liveries.
13. Medical Equipments, medicines & allied goods.
14. Motor Vehicles etc.

Services:

15. Security Services
16. Sanitation & other Labour Contract Services
17. Advertisement Services
18. Computerization, Net-working and Automation Services
19. Construction Works including construction, renovation, repair, maintenance etc.
20. Hiring of Transport etc.

Goods exclude Books, Publications, Periodicals etc. purchase for/by the library and for procurement of these items university will follow library manual as per the advice of library committee.

2. Store Department:

Store department will be responsible for the procurement, storage and issues of goods for all the university including guest houses, hostels and various offices of the university. Store department shall not be responsible for the following type of the procurements:

- i. Specific items to be procured for confidential work relating to examination, Test and issues of Degrees.
 - ii. Purchase made by the Co-ordinators of seminar/Conference etc. Subject to the provision at point No-4.1 & 4.2 of this procurement procedure.
- 2.1 The indenting department/office shall give its requirement to the store clearly mentioning the specification/quality/quantity/ any specific brand/brands (with reason if selecting a single brand) of the goods/services required to him.
- 2.2 The intending department/office shall provide its demand to store after considering the reoccurring requirement of the same good/service. So that mode of procurement shall be selected accordingly for the particular purchase to avoid the piecemeal purchases against the same good/service by the university.
- 2.3 All Tender terms and conditions should be prepared by the accounts branch and finalized by the finance office after signing by the Finance officer forwarded to the Registrar for the final approval and then it should be uploaded on the official website of H.P Govt. www.hptender.gov.in and similarly on the university website.

3. Purchase Committee:

There shall be a Purchase Committee, consisting of Five members as detailed below:

- | | |
|--|-----------------|
| a. A faculty member nominated by the Hon'ble Vice Chancellor) | Chairman |
| b. DSW or A.R of the University: | Member |
| c. Two faculty members nominated by the Hon'ble Vice Chancellor: | Member |
| d. Store in charge: | Member |
| e. HOD or their representative of the indenting dept: | Special Invitee |

Note (1): Quorum should be 50 per cent of the above members and special invitee ..

Note (2): Purchase committee shall be responsible for procurement of goods or services above 10,000/- as per the procedure prescribed in the point no 5 and 6

4. Mode of Procurement:

The administrative approval of Hon'ble Vice-Chancellor is mandatory for the all the purchase except Petty items of daily use. The indenter will request the Hon'ble Vice-Chancellor for administrative approval giving complete description of items and approximate cost.

4.1 Purchase of goods & Services without quotation

- i. Purchase of goods up to the monetary value not exceeding the Rs. 10,000/- (Ten Thousand rupees) only on each occasion may be made without inviting the quotations, or bids on the basis of a certificate to be recorded by the store in charge in the following format:-
"I,am personally satisfied that the goods purchased are of the requisite quality and specifications and have been purchased from a reliable supplier at a reasonable price".
- ii. The concerned procuring department (Store) shall keep a record of goods purchased without inviting quotation and on each occasion with proper approval.
- iii. The store shall ensure that all required documents against the said procurement like Indent of Indenting Department/Approval/Supply Order/Original Bills-GST invoice is available against each purchase of Goods or Services. The store shall forward the original set of these documents to the account branch under there stamp on supply invoices as **"The quality & quantity of goods procured is verified &checked"** for release of payment.
- iv. A demand for goods shall not divided into small quantities to make piece meal purchases to avoid the necessity of obtaining the sanction of the competent authority required with reference to the estimated value of the total demand .
- v. Purchase preference should be given to the registered local supplier/ Manufacturer/Dealer/Co-operative Societies within the state of Himachal Pradesh. Provided further that where the required goods or services are not available in local market according to the sophisticated nature/required quality standard or quantity, then the same shall be procured from anywhere else through purchase committee approval on the basis of the report of survey committee/concerned procuring person that the required goods/services are not available in the local market stating the reason of the same. For Outside state purchase even of amount below Rs.10,000/- shall be made through purchase Committee by adopting LTE procedure as per para 4.2.
- vi. Khadi Goods/Handloom Textiles: The purchases as far as possible, in respect of hand spun and hand woven textiles (khadi goods), may be made from Khadi and Village Industries Commission (KVIC) or notified handloom units through the Association of Corporations and Apex Societies of Handlooms (ACASH) , to the extent they can supply and the balance from other sources. The purchase may also be made from approved Government agencies like Cooperative Societies, small scale industrial units so as to encourage development of industries of the country

and especially those run on cottage or cooperative basis to the utmost possible extent, consistent with economy and efficiency.

4.2 Purchase by Purchase Committee through Limited Tender Enquiry (LTE).

- i. Purchase of goods costing above Rs. 10,000/- and up to Rs. 1,00,000/- on each occasion may be made through the system of limited Tender enquiry (LTE) on the recommendation of a duly constituted purchase committee of the university.
- ii. It shall be necessary to invite the quotation in a manner as prescribed by the government from time to time as per Part IX" Quotation /Tender/ Expression of Interest" of the financial regulation 2020 of the university.
- iii. The University should also publish all its LTE on its website/ portal www.hpnlu.ac.in.
- iv. Minimum three quotations must be required from the authorized/registered vendors.
Note: Purchase Committee, if considers convenient, may invite more than three quotations from authorized/registered vendors, for purchases up to 1,00,000/- also.
Note: Direct invitation to all known firms supplying that item/material may be adopted. The number of firms addressed should not be less than six and number of offers/quotations/tenders received should not be less than three. Direct invitation offer through mail on the concerned authority (Registrar) official mail ID shall be considered by the PC.
- v. Sealed Quotations received by University shall be properly entered in university record with dairy number and received date stamp on the sealed envelope. In any case, Quotation are received/collected by hand through the duly authorised (by Purchase committee) procuring person in the sealed envelope , then the same should be countersigned by the procuring person and properly handover to the concerned officer.
- vi. All quotations received against respective procurement shall be considered by purchase committee (PC) and shall open the quotations in the presence of the purchase committee members as per para No-3 above. All quotations must be signed by all members of the committee along with date. Comparative statement by considering qualified quotations rates shall be prepared for ascertain the L1 quotation/Bidder. The comparative statement shall be signed by all the presented members of the PC. The purchase committee shall in writing instruct the concern person/department to issue the Supply/Purchase/Service order to the selected L1 supplier/Vendor. Before recommending placement of the purchase order, the members of the committee will jointly record the following certificate:
"Certified that we, the members of the purchase committee are jointly and individually satisfied that the goods recommended for purchase are of the requisite specification and quality, priced at the prevailing

market rate and the supplier recommended is reliable and competent to supply the goods in question”

- vii. The list of quotations which are not considered or rejected by the PC shall be prepared stating the reason of the rejection of the same.
Note: Quotations shall be addressed to the concerned authority, GST number shall be stated properly, quoted rate with offer brand shall be mentioned, GST extra or included in offer rate shall be clearly mentioned and quotations shall be stamped and signed by the vendor/supplier with their contact numbers and the quotations shall receive by the university in sealed envelope.
Note: GST if not mentioned separately on quotation then the offer rate shall be considered as including GST.
Note: The purchase committee may instruct the selected L1 supplier/vendor to provide the sample of the Goods for Quality or Specification inspection purpose by the technical person of the university before issue the Supply/Purchase order.
Note:- In case the technical person in writing inform the purchase committee that the L1supplier/vendor goods samples are not fit for purchase quality wise or not as per required specification then the PC may go the 2ndL1for procurement of the same and in any case not below the 2ndL 1.Otherwise the quotations may be called again clearly mentioned the required quality and specifications.
- viii. The purchase committee ensure that proper record of every purchase committee meeting shall be kept along with the record of every purchase through LTE.
- ix. The purchase committee shall also ensure that demand for goods/services shall not divided into small quantities to make piece meal purchases to avoid the necessity of obtaining the sanction of the competent authority required with reference to the estimated value of the total demand.
- x. The store shall ensure that all required documents against the said procurement like Indent of Indenting Department/Quotation of L1 vendor/supplier Approval/Supply Order/Original Bills-GST invoice is available against each purchase of Goods or Services. The store shall forward the original set of these documents to the account branch under there stamp on supply invoices as **“The quality & quantity of goods procured is received verified & checked”** for release of payment.
- xi. As per GST law in case of value of goods Supplied is above 50,000 an E-WAY is mandatorily required along with the GST Invoice/ GST Bill/GR. If the same is not provided the reason of the same shall be recorded in writing and authorised by the Authority (Registrars) before releasing the GST payment of the supplier/vendor as included in supplied Goods value.
- xii. Purchase through LTE may be adopted even where the estimated value of the procurement is more than Rupees One lakhs, in the following circumstances:
- i. The competent authority (Hon'ble Vice Chancellor) certifies that the demand is urgent and any additional expenditure involved by not procuring through advertised tender enquiry is justified in view of urgency. He should also put on

record the nature of the urgency and reasons why the procurement could not be anticipated

ii. There are sufficient reasons, to be recorded in writing by the competent authority, indicating that it will not be in public interest to procure the goods through advertised tender enquiry.

iii. The Specified items to be procured for "Confidential Work" relating to Examinations, Entrance Tests & issue of Degrees where confidentiality is required may be exempted from the mandatory LTE subject to approval of Hon'ble Vice Chancellor.

4.3 Purchase by Purchase Committee through Advertise Tender Enquiry(ATE)

- i. Subject to exceptions incorporated under Para 4.2(xii) invitations to tenders by advertisement should be used for procurement of goods of estimated value of above Rs. 1, 00,000/- (Rupees One lakhs).
- ii. Open/ Advertised Tender enquiry should be made in at least minimum two newspapers one in English and one in Hindi circulated through the state as well as the national level newspaper. In addition to above newspapers the university may also advertised the tender enquiry in some other weekly journal or newspaper. It should also have its website address in the advertisements.
- iii. Advertisement in such cases should be given on state government procurement website/portal <https://hptenders.gov.in>. and can be advertised on GeM portal.
- iv. The University should also publish all its ATE on the website and provide a link with NIT website.
- v. The University should also host the complete bidding document in its website and permit perspective bidders to make use of documents downloaded from the website.
- vi. The minimum time to be allowed for submission of bids should be two weeks from the date of publication of the tender notice or availability of the bidding document for Download/sale , whichever is later.
- vii. It should be ensured that the tender document is complete in all respect and consists of the notice inviting tender, instruction to bidders, scope of work, general conditions of the contract, specific conditions of the contract, technical specification if any, bill of quantities, drawings (If applicable) and contract document whereas applicable etc. relevant for the various category of procurement and work contracts.
- viii. Measures to be adopted in the event of breach of the contract and method of settling dispute and termination of the contract shall be clearly incorporated in the tender document.
- ix. Time of completion is the essence of any contract. The same must be clearly spelt out to in the Notice Inviting Tender (NIT). It must be clearly provide the penalties

to be levied on the contractor for the non- fulfilment to contractual obligations with in the stipulated time.

- x. Indent for Goods/services for procurement under ATE should specify the purchasing quantities/scope of work accurately so that the quantity in excess of requirement can be avoided and to avoid/minimize the deviation and extra items. The percentage of deviation/ extra item execution should mention in the tender documents related to the service procurement tenders as per construction committee recommendation in writing based on other related govt. Department's procedures.
- xi. Bids received/submitted under ATE shall be dealt by the Purchase committee as per producer and select the L1 bidder accordingly. For ATE works related to the construction /repair & maintenance services the university construction committee or its nominated person shall be part of the purchase committee finalising the respective Bidder.

Note: Splitting of the indents, in order to bring it outside the ambit of open tender/ advertised method is strictly prohibited

xii. Two bid system

For purchasing all the goods and service through tenders, bids may be obtained in two parts as under:

A. Technical bid consisting of all technical details along with commercial terms and conditions;

And

B. Financial bid indicating item-wise price for the items mentioned in the technical bid.

The technical bid and the financial bid should be sealed by the bidder in separate covers duly super scribed and both these sealed covers are to be put in a bigger cover which should also be sealed and duly super scribed. The technical bids are to be opened first and evaluated by a competent committee/person authorized by the PC for the purpose. At the second stage financial bids of only the technically acceptable offers should be opened by the PC for further evaluation and ranking before awarding the contract.

C. Pre-Bid opening meeting may be arranged, if considers necessary)

xiii. Late Bids:

In case of advertised tender enquiry or limited tender enquiry, late bids (bids received after specified date and time for receipt of bids) will not be considered.

xiv. Bid Security

- i. To safeguard against a bidder's withdrawing or altering its bid during the bid validity period in the case of advertised tender enquiry, Bid Security (also known as Earnest Money) is to be obtained from the bidders.
- ii. Bid securities of the unsuccessful bidders should be returned to them at the earliest after expiry of the final bid validity and latest on or before the 30th day after the award of the contract.

xv. Performance Security

- i. To ensure due performance of the contract, Performance Security is to be obtained from the successful bidder awarded the contract. Performance Security is to be obtained from every successful bidder irrespective of its registration status etc. Performance Security should be for an amount of five to ten per cent of the value of the contract. Performance Security may be furnished in the form of an Account payee Demand Draft, Fixed Deposit Receipt from a Commercial bank, Bank Guarantee from a Commercial bank in an acceptable form safeguarding the purchaser's interest in all respects.
- ii. Performance Security should remain valid for a period of sixty days beyond the date of completion of all contractual obligations of the supplier including warranty obligations.
- iii. Bid security should be refunded to the successful bidder on receipt of Performance Security.

xvi. Opening of Tenders

- i. Tenders must be opened by the university purchase committee following the procedure as laid down under para no 4.2.
- ii. Construction committee or its nominated person shall be part of the purchase committee opening the tender related to the construction/repair & maintenance works contract

4.4 Rate contract with Registered Vendors

- i. A Rate Contract is an agreement between the purchaser and the suppliers for supply of specific goods and allied services, if any, at specified price and terms and conditions during the period covered by the Rate Contract.
- ii. Based on requirements identified by the PC the University may enter into rate contract arrangements for specified items from one or more sellers for a specified length of time. The details of such arrangements shall be negotiated by the PC. The recommendations of the committee shall be approved by the Competent Authority before they are formally adopted. The period for which the Rate contract is valid will be counted from the day the rate contract is formally adopted.
- iii. The period of currency shall normally be one year which may be extended for succeeding years. The contract shall remain alive for supply of stores ordered during the currency of the contract.
- iv. Registration/Enlisting of Vendors shall be done through LTE /ATE method by considering the annual value of the supply.
- v. Rate contract should be placed only on registered and or reputed manufacturers or their authorized distributors who are capable of supplying the stores as required.
- vi. In addition to all the usual terms & conditions, the following clauses should be included in all rate contracts:

A. Fall Clause: The price charged for the stores supplied under the rate contract should in no event exceed the lowest price at which the party sells the stores of identical description to any other person during the period of the contract.

B. The Goods shall be supplied within a period as per rate contract agreement. In case the firm does not supply the item within the stipulated time schedule, the cancellation of the purchase order can be considered.

C. Parallel rate contracts for similar items can be placed at any time during the period of rate contract with one or more parties.

D. The rate contract can be terminated at any time by giving one-month notice.

4.5. Annual Maintenance Contract: -

Depending on the cost and nature of the goods to be purchased, the university may enter into maintenance contract (s) of suitable period either with the supplier of the goods or with any other firm for the required services. Such maintenance contracts are especially needed for sophisticated goods such as costly equipment and machinery. It may however be kept in mind that the equipment or machinery is maintained free of charge by the supplier during its warranty period or such other extended periods as the contract terms may provide and the paid maintenance should commence only thereafter.

4.6. Agreement with parties:

Depending on the requirement of the university like for hiring of buses for students, hiring of hostels for students and purchase of water etc. The university must enter into the agreement with the concerned parties/ suitable suppliers. The rate shall be negotiated by the purchase committee and the final rate shall be forwarded under sign of the purchase committee members to the competent authority for administrative approval. Formal Agreement with the concerned party as per approved rate shall be executed by the authority (Registrar).

4.7 .Inspection of material on receipt of goods:

- i. All materials received in the university should be examined, counted, measured as the case may be, when delivery is taken by the store department.
- ii. The store shall insure that the delivery must be as per supply/purchase order issued to the supplier/vendor.
- iii. Normally delivery of items purchased shall be done at university Stores. However, PC may ask the suppliers to deliver the items directly to the user unit in which case that unit shall be responsible to inform the store about such delivery immediately within of receipt of the items. The concerned unit taking delivery shall insure that the delivery must be as per supply/purchase order issued to the supplier/vendor.
- iv. In the event of any shortage/damage/wrong supply, prompt action will be initiated by PC to rectify the same. In case the supplier fails to rectify it in a reasonable time, the matter shall be referred to the legal cell to recover the full

cost paid. CPC shall lodge Insurance claims, and pursue them vigorously to realize the sum insured.

- v. Once the purchase has materialized satisfactorily, the items must be entered in the appropriate stock register of the university Stores and also that of the unit/project and in the Asset Register of the university, where ever relevant.
- vi. The store shall ensure that all required documents against the said procurement like Indent of Indenting Department/Quotation of L1 vendor/supplier Approval/Supply Order/Original Bills-GST invoice is available against each purchase of Goods or Services. The store shall forward the original set of these documents to the account branch under there stamp on supply invoices as **“The quality & quantity of goods procured is received, verified& checked”** for release of payment.

4.7 Payment Process:

- i. All payment against the particular bill will be made after the proper sanction approval of competent authority taken. In case of the equipments or gadgets, payment will be done after its satisfactory installation and commissioning report from the concerned department head.
- ii. Payment for the services rendered should be released only after the services have been rendered or supplies have been made.
- iii. The 100% payment shall be realised after receiving all the required documents as per para 4.7(vi) from store

4.8 Buy Back Offer:

When it is decided with the approval of the competent authority to replace any existing old items with the new and better one, the competent authority should take all the possible efforts to trade the existing old items while purchasing the new ones. For this purpose, a suitable clause is to be incorporated in the bidding document so that protective and interested bidders formulate their bids accordingly.

Power to interpret and relax the rules

- i. In case of any doubt on the interpretation of this procedure or any suggestion for improvement, the matter can be referred to the Hon'ble Vice-Chancellor The Vice Chancellor may at his discretion permit deviations from any of the above provision if he is satisfied that such deviations will be in the interest of the University and that the insistence on the above provisions can cause inconvenience and delay.
- ii. Executive Committee of the University or the Vice-Chancellor with the approval of the EC is authorized to relax any provision(s) contained in the Manual in exceptional cases with reasons to be recorded for such exemption or relaxation.
- iii. Any amendment in Purchase Procedure-2022 shall be made only after the approval of Finance Committee and Executive Council.