



RAJASTHAN GRAMEEN AAJEEVIKA VIKAS PARISHAD

(Third Floor, B- Block, Udyog Bhawan, Tilak Marg, Jaipur, Phone No. 2388644, 2227416)

File No. F.3(59) RGAVP/Ext. Audit Tender/2021-22/ 9316-21

Date: 19.07.23

Hiring Service of Chartered Accountant (As External Auditor)

Single Source Procurment

राजस्थान ग्रामीण आजीविका विकास परिषद जयपुर (राजीविका) के एसपीएमयू एवं अधीनस्थ डीपीएमयू के वित्तीय वर्ष 2022-23 के वित्तीय लेखों के बाह्य अंकेक्षण करवाया जाना है। जिसके संबंध में राजस्थान लोक उपापन में पारदर्शिता नियम-17 के अन्तर्गत M/s JLN US & Co., Address - 415-416, 4th & 5th Floor, Sunny Mart, New Aatish Market, Mansarovar, Jaipur -302020 से मुहरबंद प्रस्ताव संलग्न प्रपत्रानुसार दिनांक 28.07.2023 दोपहर 01.00 बजे तक ऑफलाइन माध्यम से इस कार्यालय में आमंत्रित किये जाते हैं। प्राप्त प्रस्ताव पर उपापन समिति द्वारा दिनांक 28.07.2023 को दोपहर 03.00 बजे विचार किया जायेगा। इस कार्य से संबंधित TOR एवं अन्य शर्तें राजीविका की वेबसाइट www.rajeevika.rajasthan.gov.in एवं <https://sppp.rajasthan.gov.in> पर देखी जा सकती है। इस कार्य हेतु अनुमानित लागत राशि रु0 2,27,150/- सभी करों सहित है।

State Project Manager (Admin.)
RGAVP

File No. F.3(59) RGAVP/Ext. Audit Tender/2021-22/

Date:

Copy to:-

1. PA to State Mission Director, RGAVP.
2. PA to Project Director, RGAVP
3. Financial Advisor, RGAVP
4. State Project Manager (MIS) to upload on RGAVP website.
5. State Project Manager (Finance/Procurement), RGAVP.
6. Guard File.

State Project Manager (Admin.)
RGAVP

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Instructions to Participant:-

1. राजस्थान ग्रामीण आजीविका विकास परिषद (राजीविका) मुख्यालय जयपुर में राजीविका के वित्तीय वर्ष 2022-23 के लेखों की बाह्य अंकेक्षण करवाये जाने की आवश्यकता हैं। उक्त सेवा के लिये प्रस्ताव आमंत्रित किये जाते हैं।
2. प्रस्तावक द्वारा आवेदन पत्र के साथ दरें प्रस्तुत की जायेंगी। प्रस्तुत दरों के संबंध में कार्यालय की उपापन समिति द्वारा नेगोसिएशन किया जा सकता है।
3. प्रस्तावक द्वारा प्रस्ताव के साथ उपापन दस्तावेजों में वर्णित एनेक्जर ए, बी, सी एवं डी को भी हस्ताक्षरित करते हुये संलग्न करना आवश्यक होगा।
4. प्रस्ताव भेजने की अंतिम दिनांक 28.07.2023 समय दोपहर 01.00 बजे तक है।
5. प्रस्तावक द्वारा कार्यादेश का 5 प्रतिशत कार्य सम्पादन प्रतिभूति राशि के रूप में जमा करवाना होगा।
6. बाह्य अंकेक्षक को कार्यादेश प्राप्त होने से 45 कार्यदिवस में कार्य पूर्ण कर अंकेक्षण प्रतिवेदन कार्यालय में सुपुर्द करना होगा।
7. प्रस्तावक द्वारा संलग्न ToR अनुसार कार्य सम्पादन किया जायेगा।
8. प्रारम्भ में बाह्य अंकेक्षक की सेवायें राजीविका के वित्तीय वर्ष 2022-23 के लेखों की बाह्य अंकेक्षण के लिये होंगी जिसे संतोषजनक सेवा पाये जाने पर आपसी सहमति से आगामी वित्तीय वर्ष 2023-24 के लेखों का बाह्य अंकेक्षण भी करवाया जा सकेगा।
9. परामर्शदाता द्वारा राजीविका के साथ करार-पत्र निष्पादित किया जायेगा।
10. Appeal could be addressd in appropriate format (Annexure- C).

First Appealate authority: Secretary, Rural Development.

Second Appealate Authority: ACS/PS RD&PR

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Terms of Reference (TOR)

For Hiring Service of A Chartered Accountant firm for external audit of Project Financial Statements of the Rajasthan Grameen Aajeevika Vikas Parishad, which includes NRLM, NRETP and other projects being implemented by RGAVP of Financial years 2022-23.

Background:

Rajasthan Grameen Aajeevika Vikash Parishad (RGVAP) is an autonomous society formed by the Government of Rajasthan under the administrative control of Department of Rural development. The society is registered under Society Registration Act, 1958 and mandated to implement all rural livelihoods programs associated with SHG based institutional architecture. The Society aims at creating financially sustainable and effective institutional platforms of the rural poor, enabling them to increase household income through sustainable livelihood enhancements and improved access to financial and selected public services and to build their capacities to deal with the rapidly changing external socio-economic and political world. Presently, the society is implementing the National Rural Livelihood Mission (NRLM), National Rural Economic Transformation project (NRETP), etc assisted by MoRD, Government of India and The World Bank.

The projects mentioned above also follows similar approach of rural poverty alleviation i.e. through building institutions of the poor viz. SHGs (Self Help Groups), CLFs (Cluster Level Federations) and V.O. The mission would cover the entire State of Rajasthan.

RGAVP desires to appoint an independent firm of Chartered Accountants as External Auditors to conduct the audit of the project including audit of the Project Financial Statements under the following Terms of Reference.

OBJECTIVES

1. The essence of GOI/NMMU audit policy is to ensure that the Bank receives adequate independent, professional audit assurance that the proceeds of the Central Assistance and State Government meeting shared (NRETP - credit to GOI but in the same from RGAVP through state were used for the purposes intended, that the PFS are free from material misstatement, and the terms of the legal agreements were complied with in all material respects.
2. The key objectives of the Project external audit are to obtain a professional opinion from independent auditors whether -



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- b) The Project funds were utilized for the purposes for which they were provided;
 - c) Expenditures are eligible for financing under the Project legal agreements and these were exclusively financed through the Project funds and no other sources of funds have been received by Project for incurring these expenditures;
 - d) Expenditure reported in the Interim Unaudited Financial Reports (IUFR) are in agreement with the books of account and the IUFRs can be relied upon to support applications for withdrawal of Credit, and adequate documentation has been maintained to support these claims;
 - e) Procurement has been carried by project in line with the agreed procedures as detailed in the Project legal agreements and the Procurement Manual; and
 - f) The Project has an adequate internal control system (including its continuing implementation and effectiveness) and adheres to the provisions of the project legal agreements, the Financial Management, Procurement and Operations Manual in all material aspects.
3. The Project accounts (books of accounts) provide the basis for preparation of the PFS and are established to reflect the financial transactions in respect of the project as maintained by the project implementing agency, RGAVP at the State Project Management Unit (SPMU), District Project Management Units (DPMU).

AUDITING STANDARDS

- 1. The audit will be carried out in accordance with the Standards of Auditing promulgated by the Institute of Chartered Accountants of India (ICAI). The auditor should accordingly consider materiality when planning and performing the audit to reduce risk to an acceptable level that is consistent with the objectives of the audit. While the primary responsibility for the prevention and detection of fraud and error or ensuring that the project funds are used for purposes as required in the legal agreements, rests with both those charged with governance and the management of an entity, in planning and performing the audit procedures and evaluating and reporting the results thereof to reduce audit risk to an acceptably low level, the auditor should consider the risks of material misstatements in the financial



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statements resulting from fraud and error, as required by Standard on Auditing 240: The Auditor's Responsibilities to consider Fraud and Error in an Audit of Financial Statements issued by the ICAI

SCOPE AND COVERAGE OF THE AUDIT

1. The audit will cover all the Project sources and applications of funds at the following auditable units for the Project Preparation facility, Retroactive period and financial years 2022-23.
 - a) The State Project Management Unit (SPMU) at Jaipur;
 - b) District Project Management Units (DPMU) – every district of Rajasthan;
2. Expenditure is incurred against various activities in the Annual Action Plan & Budget (AAP&B) from funds released by the Government of Rajasthan and the NMMU covering the Project cost. A quarterly Interim Unaudited Financial Report (IUFR) based on actual amounts spent under various interventions is sent to Government of India and to the World Bank.

The auditor is required to exercise such tests of accounting records, internal checks and control and other necessary audit of the accounts as per general principles and standard of audits of the Institute of Chartered Accountant of India (ICAI). In conducting the Audit, attention should be given to the following:

- (a) All funds have been used in accordance with the condition of the relevant financial norms and financial regulations with due attention to economy and efficiency, and only for the purpose for which the financing was provided
- (b) Generally accepted accounting principles are followed by all accounting centers under NRLM/NRETP in a consistent manner.
- (c) Goods, works and services financed have been procured in accordance with relevant provisions of the procurement procedure prescribed for the purpose. Proper documents, namely, purchase orders, tender documents, invoices, vouchers, receipts, pay bills, TA bills etc. are maintained and linked to the transactions and retained till the end of the Project.
- (d) All necessary supporting documents, records and accounts have been kept in respect of all Project transactions reported through the IUFR.

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Clear linkages exist between the books of accounts and reports presented to the Government of Rajasthan and the NMMU.

- (e) The expenditures claimed through IUFs are eligible within the legal agreements and the extent to which the IUFs can be relied upon as a basis for reimbursement. Where ineligible expenditures are identified as having been included in withdrawal applications and reimbursed against, these should be specifically reported by the auditor.
- (f) Expenditure incurred under NRLM/NRETP is strictly in accordance with the financial norms or any other clarifications issued from time to time. Expenditure is incurred with reference to the approved AAP&B including re-appropriation duly approved by the competent authority.
- (g) An assessment of the adequacy of the Project financial management systems, including internal controls. This would include aspects such as adequacy and effectiveness of accounting, financial and operational controls, and any need for revision; level of compliance with established policies, plans and procedures; reliability of accounting systems, data and financial reports; physical verification and reconciliation procedures; methods of remedying weak control or creating controls in areas in where they are lacking.
- (h) Separate Institute (IPAI, Retd. AG officers or any other) has been appointed to conduct internal audit under defined terms of reference. The external auditors will review the project internal audit reports for the year under audit and assess the impact of the observations (systemic and recurrent) on the true and fair view of project financial statements and on other aspects on which the auditor is required to provide his opinion. The auditor will review the adequacy of the coverage and scope of internal audit including the quality of the audit reports and mechanisms in place for follow up of the internal audit observations (this should be covered in the Management Letter).
- (i) Reconciliation of all Bank Statements and accounts is regularly carried out on a monthly basis and old outstanding entries/unusual entries are reviewed and followed up.
- (j) Status of audit compliance of previous audit objections raised, if any.

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- (k) **Specific points with regard to the audit of grants provided to community level organizations (CLF/VO):** The Auditors will apply the following procedures during their audit of the DPMU. Specific confirmation of following these procedures, along with the observations, will be made by the Auditors in the Management Letter, including providing the list of CLF/VOs selected in the sample review. The sample size would be determined by the auditor based on his professional judgement and risk assessment so as to get an understanding of the working of the CLF/VOs and compliance with the FM Manual/COM. It is suggested that the Auditors develop a checklist.

Select a representative sample of subproject expenditures/grants and carry out the following detailed tests:

At the DPMU

- (a) Review that the CLF/VO to whom project funds have been provided were duly constituted as provided in the PIP;
- (b) Review that the advances to CLF/VO were made by the DPMU against approved Livelihood Plan after due diligence of compliance with the eligibility criteria by the DPMU, and sufficient documentation exists to support this assessment;
- (c) Review that the subsequent tranches were made by the DPMU in accordance with the procedure detailed in the PIP including verification of the achievement of the milestone (include physical verification), and sufficient documentation exists to support this assessment;
- (d) Determine the efficacy of the system of reporting end use of funds by the CLF/VO and their review and verification by the DPMU. Are sufficient details available to provide reasonable assurance on the use of project funds (grants) as per the approved livelihood plan.
- (e) Determine that the coverage of CLF/VO under Internal Audit was in accordance with the ToR and whether adequate compliance has been made in respect of the audit observations.

AUDITED PROJECT FINANCIAL STATEMENTS

1. The responsibility for the preparation of financial statements, including selection and application of accounting policies, is that of RGAVP. The PFS



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should be signed both by RGAVP's authorized signatories and a Partner of the Audit Firm. The audited Project Financial Statements should include:

- (a) A **Balance Sheet** showing accumulated funds of the Project, Bank Balances other Assets of the Project and Liabilities, if any, as at the close of the financial year under audit.
- (b) An **Income and Expenditure Account** containing summary of income and expenditure shown as per the project component/sub-component both for the current fiscal year and cumulative to date.
- (c) A **Receipts and Payments Account** for the year under audit and cumulative till date.
- (d) **Quarterly IUFRs** submitted during the period under audit.
- (e) **Accounting Policies** applied in preparation of the PFS and **Notes on Account** explaining, wherever necessary, the project transactions.
- (f) **Management Assertion:** Management should sign the project financial statements and provide a written acknowledgement of its responsibility for the preparation and fair presentation of the financial statements and an assertion that project funds have been expended in accordance with the intended purposes as reflected in the financial statements. An example of a Management Assertion Letter is enclosed as Annex A.

STATEMENTS OF EXPENDITURES AND FINANCIAL MANAGEMENT REPORTS

In addition to the audit of the PFS, the auditor is required to audit all Financial Management Reports (IUFRs) for withdrawal applications made during the period under audit examination. The auditor should apply such tests as the auditor considers necessary under the circumstances to satisfy the audit objective. In particular, these expenditures should be carefully examined for project eligibility by reference to the relevant financing agreements. Where ineligible expenditures are identified as having been included in withdrawal applications and reimbursed against, these should be separately noted by the auditor.

AUDIT REPORT

1. The **Annual Audit Report** on the PFS will be in the form recommended by the Standards on Auditing of the ICAI, including a primary opinion on whether the PFS show a true and fair view. In addition, the auditor will



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provide opinion on the matters specified in para 7 above. Those standards require a clear written expression of opinion on whether the financial statements give a true and fair view. An unqualified opinion will indicate the auditor's satisfaction in all material respects that the financial statements give a true and fair view, they have been prepared using consistently applied generally accepted accounting principles, comply with the relevant project's legal documents and adequate disclosure of all material matters have been made. When a qualified opinion, adverse opinion or disclaimer of opinion or reservation of opinion on any matter is made due to limitation of scope or disagreement with management etc., the audit report should clearly state the reasons thereof (preferably in a separate paragraph) and, as far as practicable, quantify the effect on the financial position.

The auditor should submit the audit report to the Governing Board/Executive Committee (as applicable) of the Society well in advance who will take further action to have two copies of the Audited Project Financial Statements and the audit report forwarded to Government of Rajasthan and World Bank within six months from the close of the financial year. The Auditor is required to discuss the report with concerned DPM/SPM/unit head and get signed by concerned DPM/Manger (fin.) etc.

MANAGEMENT LETTER

1. In addition to the audit report, the auditor will prepare a "Management Letter" and submit it along with the Audit Report. The Management Letter will elaborate the findings of the audit and contain recommendations for improvements in internal control and other matters coming to the attention of the auditor during the audit examination. The Management Letter would include matters such as the following:
 - (a) Comments and observations on the accounting records, systems, and internal controls that were examined during the course of the audit;
 - (b) Specific deficiencies and areas of weakness in systems and internal controls and make recommendations for their improvement;
 - (c) Degree of compliance of each of the financial covenants of the financing agreement and give comments, if any, on internal and external matters affecting such compliance;
 - (d) Elaboration of the audit qualifications, if any, made in the audit report;



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- (e) Major observations (systemic and recurrent) arising out of the internal audit reports and the status of their compliance;
 - (f) Details of the sample review of the CLF/VO, including the methodology, and the results of the audit;
 - (g) Details of findings of any investigations/internal audit/other audit into matters where there is suspected fraud (of any amount) or irregularity or a material failure of internal controls;
 - (h) Adequacy of compliance with previous audit findings/recommendations in the Audit Report/Management Letter and status of any issues which remain to be addressed and any issues which recurred;
 - (i) Communicate matters that have come to the attention during the audit which might have a significant impact on the implementation of the Project; and
 - (j) Any other matters that the auditor considers pertinent.
2. The Management Letter should contain an Executive Summary including a table of observations and audit recommendations along with response of the Management and a timeline for completing the action recommended. Also, provide a list of auditable units, including sample of USs, covered during the audit in the Management Letter.

GENERAL

1. The FA/SPM (Finance) NRLM/NRETP will be the Nodal Officer for the purpose of conducting the audit. The auditor should be given access to any information relevant for the purposes of conducting the audit. This would normally include all legal documents, correspondence, and any other information associated with the project and deemed necessary by the auditor. The information made available to the auditor should include, but not be limited to, copies of the Legal Agreements, Project Implementation Plan, Procurement Manual and Financial Management Handbook. It is highly desirable that the auditor become familiar with other policy documents, such as OP/BP 10.02, the Bank's internal guidelines on Financial Management that include financial reporting and auditing requirements and NMMU/World Bank procurement guidelines for projects financed by the NMMU/World Bank. The auditor should also be familiar with the NMMU/Bank's Disbursement Manual. All documents will be provided by the Project to the auditor.

Annexure:-Format of Management Assertion letter



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Format of a Management Assertion Letter – Annex 1

(Project's Letterhead)

(To Auditor)

(Date)

This representation letter is provided in connection with your audit of the Project Financial Statements of the NRLM/NRETP under Credit No. _____ (the Project) for the year ended on _____ for the purpose of expressing an opinion as to whether the financial statements give a true and fair view of the financial position of the Project as of and of the sources and uses of funds for the year then ended. We acknowledge our responsibility for the fair presentation of the financial statements in accordance with the basis of accounting followed by the RGAVP, and we confirm, to the best of our knowledge and belief, the following representations made to you during your audit:

- The project financial statements are free of material misstatements, including omissions.
- Assets shown on the project balance sheet exist, are owned by the project, and are used solely for project purposes.
- Project funds have been used for the purposes for which they were provided.
- Project expenditures are eligible for financing under the Credit agreement.
- There have been no irregularities involving management or employees who have a significant role in internal control or that could have a material effect on the project financial statements.
- The Management has taken proper and sufficient care for safeguarding the assets of the Company and for preventing and detecting fraud and other irregularities;
- Procurement has been done as per the agreed procedures.
- We have made available to you all books of account and supporting documentation relating to the project.
- We have made available to you all procurement documents relating to the project.
- All complaints received and subsequent correspondence thereof have been made available.
- The project has complied with the conditions of all relevant legal agreements, including the Financing Agreement, Project Agreement, the Minutes of Negotiations, and the Financial Management and Procurement Manuals and the COM.

Project Director

Financial Advisor

Dated: _____



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Section – 1 (EOI Format)

Name of the Firm -

Address of the Firm -

To,
State Mission Director
Rajasthan Grameen Aajeevika Vikas Parishad (RGAVP)
3rd Floor, RFC Block, Udyog Bhawan,
Jaipur – 302005

Subject:- Submission of Proposal for selection of External Auditor for
the work of Audit for FY 2022-23.

Ref:- NIB No..... Dated

Dear Sir,

1. We, the undersigned Applicant, have read and examined in detail your solicitation of EOI for the purpose of appointment of agency for Selection of Chartered Accountant Firm for the work of Auditing.
2. Our Bid shall be valid for a period of 90 days from the date fixed for the bid submission deadline and it shall remain binding upon us and may be accepted at any time before the expiration of the period;
3. If our Bid is accepted, we commit to obtain a Performance Security in the amount of 5% of the total Contract Value.
4. We are not participating, as Bidder in more than one Bid for the subject matter in this bid;
5. **Our Rate for external audit is (including all taxes) for F.Y. 2022-23.**
6. Our firm, its affiliates or subsidiaries, for any part of the Contract have not been debarred by the State Government/Central Government or the Procuring Entity or a regulatory authority under any applicable laws;
7. We declare that we have complied with and shall continue to comply with the provisions of the Code of Integrity Conflict of Interest as specified for Bidders in the Rajasthan Transparency in Public Procurement Act, 2012, the Rajasthan Transparency in Public Procurement Rules, 2013 and this Bidding document during the procurement process and execution of the order/contract till completion of all our obligations under the contract;

Signature of Bidder with Seal



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Annexure A : Compliance with the Code of Integrity and No Conflict of Interest

Any person participating in a procurement process shall -

- (a) not offer any bribe, reward or gift or any material benefit either directly or indirectly in exchange for an unfair advantage in procurement process or to otherwise influence the procurement process;
- (b) not misrepresent or omit that misleads or attempts to mislead so as to obtain a financial or other benefit or avoid an obligation;
- (c) not indulge in any collusion, Bid rigging or anti-competitive behavior to impair the transparency, fairness and progress of the procurement process;
- (d) not misuse any information shared between the procuring Entity and the Bidders with an intent to gain unfair advantage in the procurement process;
- (e) not indulge in any coercion including impairing or harming or threatening to do the same, directly or indirectly, to any party or to its property to influence the procurement process;
- (f) not obstruct any investigation or audit of a procurement process;
- (g) disclose conflict of interest, if any; and
- (h) disclose any previous transgressions with any Entity in India or any other country during the last three years or any debarment by any other procuring entity.

Conflict of Interest:-

The Bidder participating in a bidding process must not have a Conflict of Interest.

A Conflict of Interest is considered to be a situation in which a party has interests that could improperly influence that party's performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations.

i. A Bidder may be considered to be in Conflict of Interest with one or more parties in a bidding process if, including but not limited to:

- a. have controlling partners/ shareholders in common; or
- b. receive or have received any direct or indirect subsidy from any of them; or
- c. have the same legal representative for purposes of the Bid; or
- d. have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the Bid of another Bidder, or influence the decisions of the Procuring Entity regarding the bidding process; or
- e. the Bidder participates in more than one Bid in a bidding process. Participation by a Bidder in more than one Bid will result in the disqualification of all Bids in which the Bidder is involved. However, this does not limit the inclusion of the same subcontractor, not otherwise participating as a Bidder, in more than one Bid; or
- f. the Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the Goods, Works or Services that are the subject of the Bid; or
- g. Bidder or any of its affiliates has been hired (or is proposed to be hired) by the Procuring Entity as engineer-in-charge/ consultant for the contract.

Doc 1

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Annexure B : Declaration by the Bidder regarding Qualifications

Declaration by the Bidder

In relation to my/our Bid submitted to for procurement of in response to their Notice Inviting Bids No..... Dated..... I/we hereby declare under Section 7 of Rajasthan Transparency in Public Procurement Act, 2012, that:

1. I/we possess the necessary professional, technical, financial and managerial resources and competence required by the Bidding Document issued by the Procuring Entity;
2. I/we have fulfilled my/our obligation to pay such of the taxes payable to the Union and the State Government or any local authority as specified in the Bidding Document;
3. I/we are not insolvent, in receivership, bankrupt or being wound up, not have my/our affairs administered by a court or a judicial officer, not have my/our business activities suspended and not the subject of legal proceedings for any of the foregoing reasons;
4. I/we do not have, and our directors and officers not have, been convicted of any criminal offence related to my/our professional conduct or the making of false statements or misrepresentations as to my/our qualifications to enter into a procurement contract within a period of three years preceding the commencement of this procurement process, or not have been otherwise disqualified pursuant to debarment proceedings;
5. I/we do not have a conflict of interest as specified in the Act, Rules and the Bidding Document, which materially affects fair competition;

Date:

Place:

Signature of bidder

Name :

Designation:

Address:

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RAJASTHAN GRAMEEN AAJEEVIKA VIKAS PARISHAD

(Third Floor, B- Block, Udyog Bhawan, Tilak Marg, Jaipur, Phone No. 2388644, 2227416)

Annexure C : Grievance Redressal during Procurement Process

The designation and address of the First Appellate Authority is _____

The designation and address of the Second Appellate Authority is _____

(1) Filing an appeal

If any Bidder or prospective bidder is aggrieved that any decision, action or omission of the Procuring Entity is in contravention to the provisions of the Act or the Rules or the Guidelines issued thereunder, he may file an appeal to First Appellate Authority, as specified in the Bidding Document within a period of ten days from the date of such decision or action, omission, as the case may be, clearly giving the specific ground or grounds on which he feels aggrieved:

Provided that after the declaration of a Bidder as successful the appeal may be filed only by a Bidder who has participated in procurement proceedings:

Provided further that in case a Procuring Entity evaluates the Technical Bids before the opening of the Financial Bids, an appeal related to the matter of Financial Bids may be filed only by a Bidder whose Technical Bid is found to be acceptable.

- (2) The officer to whom an appeal is filed under para (1) shall deal with the appeal as expeditiously as possible and shall endeavour to dispose it of within thirty days from the date of the appeal.
- (3) If the officer designated under para (1) fails to dispose of the appeal filed within the period specified in para (2), or if the Bidder or prospective bidder or the Procuring Entity is aggrieved by the order passed by the First Appellate Authority, the Bidder or prospective bidder or the Procuring Entity, as the case may be, may file a second appeal to Second Appellate Authority specified in the Bidding Document in this behalf within fifteen days from the expiry of the period specified in para (2) or of the date of receipt of the order passed by the First Appellate Authority, as the case may be.

(4) Appeal not to lie in certain cases

No appeal shall lie against any decision of the Procuring Entity relating to the following matters, namely:-

- (a) determination of need of procurement;
- (b) provisions limiting participation of Bidders in the Bid process;
- (c) the decision of whether or not to enter into negotiations;
- (d) cancellation of a procurement process;
- (e) applicability of the provisions of confidentiality.

(5) Form of Appeal

- (a) An appeal under para (1) or (3) above shall be in the annexed Form along with as many copies as there are respondents in the appeal.
- (b) Every appeal shall be accompanied by an order appealed against, if any, affidavit verifying the facts stated in the appeal and proof of payment of fee.

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RAJASTHAN GRAMEEN AAJEEVIKA VIKAS PARISHAD

(Third Floor, B- Block, Udyog Bhawan, Tilak Marg, Jaipur, Phone No. 2388644, 2227416)

(c) Every appeal may be presented to First Appellate Authority or Second Appellate Authority, as the case may be, in person or through registered post or authorised representative.

(6) Fee for filing appeal

- (a) Fee for first appeal shall be rupees two thousand five hundred and for second appeal shall be rupees ten thousand, which shall be non-refundable.
- (b) The fee shall be paid in the form of bank demand draft or banker's cheque of a Scheduled Bank in India payable in the name of Appellate Authority concerned.

(7) Procedure for disposal of appeal

- (a) The First Appellate Authority or Second Appellate Authority, as the case may be, upon filing of appeal, shall issue notice accompanied by copy of appeal, affidavit and documents, if any, to the respondents and fix date of hearing.
- (b) On the date fixed for hearing, the First Appellate Authority or Second Appellate Authority, as the case may be, shall,-
 - (i) hear all the parties to appeal present before him; and
 - (ii) peruse or inspect documents, relevant records or copies thereof relating to the matter.
- (c) After hearing the parties, perusal or inspection of documents and relevant records or copies thereof relating to the matter, the Appellate Authority concerned shall pass an order in writing and provide the copy of order to the parties to appeal free of cost.
- (d) The order passed under sub-clause (c) above shall also be placed on the State Public Procurement Portal.

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FORM No. 1

[See rule 83]

Memorandum of Appeal under the Rajasthan Transparency in Public Procurement Act, 2012

Appeal Noof

Before the (First / Second Appellate Authority)

1. Particulars of appellant:

(i) Name of the appellant:

(ii) Official address, if any:

(iii) Residential address:

2. Name and address of the respondent(s):

(i)

(ii)

(iii)

3. Number and date of the order appealed against and name and designation of the officer / authority who passed the order (enclose copy), or a statement of a decision, action or omission of the Procuring Entity in contravention to the provisions of the Act by which the appellant is aggrieved:

4. If the Appellant proposes to be represented by a representative, the name and postal address of the representative:

5. Number of affidavits and documents enclosed with the appeal:

6. Grounds of appeal:

..... (Supported by an affidavit)

7. Prayer:

Place

Date

Appellant's Signature

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Annexure D : Additional Conditions of Contract

1. Correction of arithmetical errors

Provided that a Financial Bid is substantially responsive, the Procuring Entity will correct arithmetical errors during evaluation of Financial Bids on the following basis:

- i. if there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected, unless in the opinion of the Procuring Entity there is an obvious misplacement of the decimal point in the unit price, in which case the total price as quoted shall govern and the unit price shall be corrected;
- ii. if there is an error in a total corresponding to the addition or subtraction of subtotals, the subtotals shall prevail and the total shall be corrected; and
- iii. if there is a discrepancy between words and figures, the amount in words shall prevail, unless the amount expressed in words is related to an arithmetic error, in which case the amount in figures shall prevail subject to (i) and (ii) above.

If the Bidder that submitted the lowest evaluated Bid does not accept the correction of errors, its Bid shall be disqualified and its Bid Security shall be forfeited or its Bid Securing Declaration shall be executed.

2. Procuring Entity's Right to Vary Quantities

(i) At the time of award of contract, the quantity of Goods, works or services originally specified in the Bidding Document may be increased or decreased by a specified percentage, but such increase or decrease shall not exceed twenty percent, of the quantity specified in the Bidding Document. It shall be without any change in the unit prices or other terms and conditions of the Bid and the conditions of contract.

(ii) If the Procuring Entity does not procure any subject matter of procurement or procures less than the quantity specified in the Bidding Document due to change in circumstances, the Bidder shall not be entitled for any claim or compensation except otherwise provided in the Conditions of Contract.

(iii) In case of procurement of Goods or services, additional quantity may be procured by placing a repeat order on the rates and conditions of the original order. However, the additional quantity shall not be more than 25% of the value of Goods of the original contract and shall be within one month from the date of expiry of last supply. If the Supplier fails to do so, the Procuring Entity shall be free to arrange for the balance supply by limited Bidding or otherwise and the extra cost incurred shall be recovered from the Supplier.

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3. Dividing quantities among more than one Bidder at the time of award (In case of procurement of Goods)

As a general rule all the quantities of the subject matter of procurement shall be procured from the Bidder, whose Bid is accepted. However, when it is considered that the quantity of the subject matter of procurement to be procured is very large and it may not be in the capacity of the Bidder, whose Bid is accepted, to deliver the entire quantity or when it is considered that the subject matter of procurement to be procured is of critical and vital nature, in such cases, the quantity may be divided between the Bidder, whose Bid is accepted and the second lowest Bidder or even more Bidders in that order, in a fair, transparent and equitable manner at the rates of the Bidder, whose Bid is accepted.

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