

**Tamil Nadu Transparency In Tenders (Second Amendment)
Act, 2012**

31 of 2012

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**Tamil Nadu Transparency In Tenders (Second Amendment)
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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-third Year of the Republic of India as follows:--

1. Received the assent of the Governor of Tamil Nadu on November 15, 2012 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 320, Pages 259-260, dated November 15, 2012.

Statement of Objects and Reasons : Refer T.N. Bill No. 34-- 2012
(2) CTAR page 1.109

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Transparency in Tenders (Second Amendment) Act, 2012.

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

2. Amendment of Section 2 :-

In Section 2 of the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) (hereinafter referred to as the principal Act),--

(i) after Clause (c), the following Clause shall be inserted, namely:-
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"(cc) Lowest Tender means the tender which, on evaluation, is found to be most beneficial to the procuring entity in financially quantifiable terms.";

(ii) in Clause (i), the Proviso shall be omitted.

3. Amendment of Section 10 :-

In Section 10 of the principal Act,--

(i) for the expression "he", in four places where it occurs, the expression "the said authority" shall be substituted.

(ii) to sub-section (6), the following Proviso shall be added, namely:--

"Provided that if the tenderer is unable to supply the entire quantity required, the Tender Accepting Authority may follow the fixed rate of contract procedure as may be prescribed.".

4. Amendment of Section 12 :-

In Section 12 of the principal Act, in sub-section (1), for the expression "he", the expression "the said authority" shall be substituted.

5. Amendment of Section 16 :-

In Section 16 of the principal Act,--

(i) for Clause (c), the following Clause shall be substituted, namely:--

"(c) from departments of the Government, Public Sector Undertakings, Statutory Boards and such other institutions as may be notified by the Government, only in respect of goods

manufactured or services provided by them:

Provided that such procurement shall not exceed forty percent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining sixty per cent;".

(ii) for Clause (dd) and the Proviso thereunder, the following Clause and Provisos shall be substituted, namely:--

"(dd) from domestic small-scale industrial units, only in respect of goods manufactured by them:

Provided that such procurement shall not exceed twenty-five percent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining seventy five percent:

Provided further that in the case of a single procurement involving Clauses (c) & (dd), such procurement shall not exceed forty percent of the total requirement in that procurement;".

(iii) for Clause (f), the following Clause shall be substituted, namely:--

"(f) by spot purchase of agricultural commodities, agricultural produce and livestock from primary producers; by spot purchase of cotton by Spinning Mills; by spot purchase of animals for the Government programmes or schemes or for the Government departments from shanties; of sugarcane purchase from farmers by the State Public Sector Undertakings or Co-operative Sugar Mills; of paddy by the Direct Purchase Centres of the Tamil Nadu Civil Supplies Corporation; of clothing by the Government Departments or the State Public Sector Undertakings from the Tamil Nadu Handloom Weavers Co-operative Society; and by similar organisations and of similar goods and services, as may be notified by the Government;".

(iv) after Clause (g), the following Clause shall be added, namely:--

"(h) by the Co-operative Federations from their Federating units or Primary Co-operative Societies, of goods manufactured or services provided by them."