EXTRAORDINARY
PART III—Section 4
PUBLISHED BY AUTHORITY

MINISTRY OF EXTERNAL AFFAIRS
NALANDA DIVISION
NOTIFICATION

New Delhi, the 6th February, 2014

No. S/321/23/2011.—In exercise of the powers conferred by Section 28 of the Nalanda University Act, 2010 (39 of 2010) and with the assent of the Visitor, the Governing Board hereby makes the following amendment to the Nalanda University Statutes, 2012, namely:—

2. In the Nalanda University Statutes, 2012, in statute 9, in clause (1), after item (ii) the following item shall be inserted, namely:—

“(iia) a nominee of the Ministry of External Affairs”.

Dr. ANUPAM RAY, Jr. Secy. (Nalanda)
[ADVT. III/4/Exty/191-D/13]

Note: The principal Statutes were published in the Gazette of India (Weekly), Part III, Section 4, dated the March 31—April 6, 2012 vide notification No. S/321/23/2011.
MINISTRY OF EXTERNAL AFFAIRS
(Nalanda Division)

NOTIFICATION

New Delhi, the 3rd March, 2014

No. S/321/23/2011 ---In exercise of the powers conferred by section 28 of the Nalanda University Act, 2010 (39 of 2010) and with the assent of the Visitor, the Governing Board hereby makes the following amendment to the Nalanda University Statutes, 2012, namely:--

2. In the Nalanda University Statutes, 2012 (hereinafter referred to as principal statutes, in statute 6, for clause (4), the following clause shall be substituted, namely:--

"(4) The Governing Board shall nominate the Chairperson and other members shall be appointed by the Chairperson in consultation with the Chancellor."

3. In the principal statues, after statute 6, the following statute shall be inserted, namely:--

"6A. Endowments Committee.-- (1) An Endowments Committee shall be constituted to raise resources for the Endowments Fund of the University. It shall also assist the Governing Board in furtherance of Public Private Partnership and shall interact with institutions, organisations and individuals for achieving the aims and objectives in such Public Private Partnership programmes.

(2) The Committee shall perform such other roles and functions as the Governing Board may determine from time to time.

(3) The Chairperson of the Committee shall be a permanent invitee to all the deliberations of the Governing Board.

(4) The Governing Board shall nominate the Chairperson and other members shall be appointed by the Chairperson in consultation with the Chancellor."

Dr. ANUPAM RAY, Jt. Secy. (Nalanda)
[ADVT. III/4/Exty./191-D/13]

Note : (1) The principal Statutes were published in the Gazette of India (weekly), Part III, Section 4, dated the March 31-April 6, 2012 vide notification No. S/321/23/2011.

MINISTRY OF EXTERNAL AFFAIRS
(Nalanda Division)

NOTIFICATION

New Delhi, the 29th December, 2014

No. S/321/23/2011.— In exercise of the powers conferred by Section 28 of the Nalanda University Act, 2010 (39 of 2010) and with the assent of the Visitor, the Governing Board hereby makes the following further amendments to the Nalanda University Statutes, 2012, namely:

2. In the Nalanda University Statutes, 2012 (hereinafter referred to as principal Statutes), – (a) after statute 5, the following statute shall be inserted, namely:–

“5A. Committees.— (1) The Vice Chancellor and any authority of the University may appoint as many standing committees or special committees as they may deem fit and may appoint to such committees persons who are not members of other authorities.

(2) Any committee appointed under clause (1) may deal with any subject delegated to it and make recommendations to the authority appointing it.”

(b) in the principal Statutes, in statute 13, after clause (v), the following clause shall be inserted, namely:–

“(w) The Vice-Chancellor may make changes in the assignment of responsibilities of officers.”

(c) in the principal Statutes, after statute 14, the following statutes shall be inserted, namely:–

“14 A. Selection Committees for Academic and Non-academic posts.— (1) There shall be Selection Committees for making recommendations to the Governing Board for appointment to the posts of Professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Librarian and other functionaries.

(2) The Selection Committee for appointment to the posts specified in column 1 of the table below shall consist of the following persons, namely:–

<table>
<thead>
<tr>
<th>Category</th>
<th>Composition</th>
</tr>
</thead>
</table>
| Professor/ Associate Professor/ Assistant Professor | (i) Vice-Chancellor or nominee of Vice-Chancellor—Chairperson  
(ii) Dean (Academic Planning)  
(iii) The Dean of the Faculty concerned, if in place  
(iv) A nominee of the Chancellor  
(v) Three experts not in the service of the University, nominated by the Vice-Chancellor, out of a panel of names approved by the Governing Board for their special knowledge of, or interest in the subject for which the Faculty member is to be appointed. |
| Librarian | (i) Vice-Chancellor or nominee of Vice-Chancellor—Chairperson  
(ii) Dean (Academic Planning)  
(iii) A nominee of the Chancellor  
(iv) Two experts not in the service of the University, nominated by the Vice-Chancellor, out of a panel of names approved by the Governing Board who have special knowledge of Library Science and Library Administration. |
| Senior non-academic administrative positions (viz. Registrar, Finance Officer and University Engineer) | (i) Vice-Chancellor or nominee of the Vice-Chancellor—Chairperson  
(ii) Dean (Academic Planning)  
(iii) A nominee of the Chancellor  
(iv) Two experts not in the service of the University, nominated by the Vice-Chancellor, out of a panel of names approved by the Governing Board. |
14 B. Selection Committees for other non-academic posts.— (1) There shall be Selection Committees for making recommendations to the Vice-Chancellor for appointment of employees, consultants, retainers with the approval of Governing Board.

(2) The Selection Committee for appointment to the posts specified in column 1 of the table below shall consist of the following persons, namely:

<table>
<thead>
<tr>
<th>Junior level non-teaching staff</th>
<th>A Committee of three to five members constituted by the Vice-Chancellor comprising senior officers and teachers of the University and one or two external members with expertise in the relevant field.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) in the principal Statutes, in statute 15, in clause (3), after sub-clause (d), the following sub-clauses shall be inserted, namely:--</td>
<td></td>
</tr>
<tr>
<td>“(e) represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose;”</td>
<td></td>
</tr>
<tr>
<td>(f) perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be assigned to him from time to time by the Governing Board or the Vice Chancellor.”</td>
<td></td>
</tr>
<tr>
<td>(e) in the principal Statutes, in statute 15, after clause (3), the following clause shall be inserted, namely:--</td>
<td></td>
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<tr>
<td>“(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may nominate for the purpose.”</td>
<td></td>
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<tr>
<td>(f) in the principal Statutes, after statute 16, the following statutes shall be inserted, namely:--</td>
<td></td>
</tr>
<tr>
<td>“16 A. Librarian.— (1) The Librarian shall be a whole-time salaried officer appointed by the Governing Board on the recommendation of a Selection Committee constituted for the purpose.</td>
<td></td>
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<tr>
<td>(2) The Librarian shall exercise such powers and perform such duties as may be prescribed from time to time.</td>
<td></td>
</tr>
<tr>
<td>16 B. General conditions of service.— (1) Where an employee of the University or any other Institution or Government and its organisations is appointed to a post in the University including as Vice-Chancellor or a member of the academic or non-academic staff, he or she shall continue to be governed by the same retirement benefit scheme, namely General Provident Fund or Contributory Provident Fund or Pension or Gratuity or Travelling Allowance for journeys on transfer, to which he or she was entitled prior to his or her appointment to the said post in the University, and till he or she continues to hold his or her lien on the earlier post.</td>
<td></td>
</tr>
<tr>
<td>(2) All employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and the code of conduct as specified in the Statutes and the Ordinances.</td>
<td></td>
</tr>
</tbody>
</table>
(3) Members of the academic and non-academic staff shall be entitled to allowances and other benefits as in force in the University from time to time.

16 C. Leave rules.—The leave rules of the University for all its employees shall be as specified in the Statutes.

SANJAY BHATTACHARYYA, Jt. Secy. (South)

[ADVT.-III/4/Exty./191 D/14]

MINISTRY OF EXTERNAL AFFAIRS
NALANDA UNIVERSITY

New Delhi, the 2012

No. S/321/23/2011—In exercise of the powers conferred by section 28 of the Nalanda University Act, 2010 (39 of 2010), the Governing Board makes the following Statutes of the Nalanda University, namely:—

1. (1) Short Title and commencement: These Statutes may be called the Nalanda University Statutes, 2012.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these statutes, unless the context otherwise requires:—

(a) "Act" means the Nalanda University Act, 2010, (39 of 2010);
(b) "Authorities" means the authorities of the University as provided under section 22;
(c) "Budget" means projections, for a particular financial year, for revenue and expenditure inter-alia including capital, revenue, special or miscellaneous or such other heads as may be determined by the Governing Board or Authority or any Committee thereof;
(d) "Committee" means any committee constituted by the Authorities of Officers of the University from time to time;
(e) "Headquarters Agreement" means the agreement as may be signed and executed between the Central Government and the University in terms of section 21 of the Act;
(f) "Officers" means the officers of the University as provided in section 13 of the Act.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning as assigned to them in the Act.

3. Powers and functions of the Governing Board.—(1) The Governing Board shall:—

(a) be the highest authority for policy making, providing directions and managing the affairs of the University;
(b) oversee academic, administrative, financial management and other matters of the University as prescribed under the Act or the Statutes;
(c) make recommendation to the Visitor for the appointment of the Chancellor and the Vice-Chancellor;
(d) shall decide the terms of appointment, including the pay and emoluments, of the Vice-Chancellor, the first Finance Officer and the first Registrar of the University;
(e) oversee the proper functioning of the Academic Council, Boards of Schools of Studies, the Finance Committee and such other authorities as may be declared by the Statutes;
(f) after taking into account the recommendations of the Finance Committee, approve the budgets, plans, programmes and such other activities pertaining to the University as it may deem fit;
(g) have the authority to nominate the Chairperson or any of the other Officers of the University to sign and execute the Headquarters Agreement on behalf of the University;
(h) have the power to constitute Committees, on such terms and conditions and with such powers and functions as it may decide from time to time;
(i) have the authority to authorize and delegate such powers and functions to the Authorities, Committees or Officers of the University, on the recommendations of the Vice-Chancellor as it may deem fit, in accordance with the Act, Statutes and Regulations;
(j) select a common seal of the University and provide for the custody and use of the seal;
(k) nominate expert members of the selection committees for appointment of academic staff and officers of the University;
(l) appoint Professors, Associate Professors and Assistant Professors on the recommendation of the Selection Committee constituted for the purpose;

Provided that it shall not be necessary to constitute any Selection Committee for making appointment to the post of Professor of a person of high academic distinction, eminence and professional attainment invited by the Governing Board to accept the post;
(m) fix or alter the salaries and service conditions of employees of the University;

(n) create administrative and other necessary posts, determine the number and emoluments of such posts, and appoint persons to such posts on terms and conditions of service as may be prescribed by the Ordinances;

(o) designate employees of the University as academic staff;

(p) receive a report of the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance sheet, as audited, and financial estimates for the previous year and the Governing Board shall take into consideration the recommendations of the Finance Committee while considering the aforementioned report;

(q) monitor the progress of the University through the annual report and the periodic reports submitted by the Authorities and Officers and have powers to give directions to the Authorities and Officers in accordance with the Statutes;

(r) authorize the Officers of the University to perform such functions of the University, as it may deem fit;

(s) constitute Committees on the recommendation of the Vice-Chancellor on such terms and conditions and with such powers and functions as it may decide from time to time;

(t) on receipt of any directions from the Visitor, have the authority to instruct any Officer of the University to take all the necessary actions including providing a report and furnishing such other information as it may require in this regard;

(u) consider forming collaborative relations with other institutions of higher learning as it may deem fit;

(v) exercise such other powers and perform such other duties as may be conferred upon it by the Act or the Statutes.

(2) The quorum for a meeting of the Governing Board shall be one-half of the total members of the Governing Board. All decisions of the Governing Board shall be taken by a majority vote of the members present and voting in a valid meeting. In the event of a tie in votes, the Chairperson shall have a casting vote.

(3) The Chairperson shall circulate draft minutes of every meeting of the Governing Board within 30 days of concluding a duly convened meeting, to all the members of the Governing Board. The members of the Governing Board, within 15 days of circulation of the draft minutes, may provide their observations or submissions to the Chairperson. The Chairperson, after considering the observations, shall finalize the minutes and circulate them to the members of the Governing Board. Thereafter action shall be taken on the minutes.

4. Schools of Studies.—(1) In addition to the Schools of Studies as provided under the provisions of sub-section 2 of section 24 of the Act, the University shall have an additional School of Studies, namely, ‘Information Sciences and Technology.’

(2) Each School of Study shall have a Dean as its Head.

(3) Each School of Study may consist of such Departments of studies as may be assigned to it by the Ordinances.

5. Other Authorities.—(1) In addition to the authorities specified in section 22 of the Act, the following shall be Authorities of the University, namely:—

(a) The Planning Board; and

(b) The Standing Committee.

(2) The composition, powers and functions of the Planning Board and the Standing Committee shall be such as may be decided by the Governing Board from time to time.

6. International Advisory Panel.—(1) An international Advisory Panel of eminent persons shall be set up to ensure continuity and create greater global awareness of the broader vision and objectives of Nalanda University which shall also assist the Governing Board in furthering Public Private Partnership, interact with institutions and organizations relevant to the work and to the emerging challenges in pursuing the frontiers of knowledge.

(2) The Panel may perform such other roles and functions as the Governing Board may determine.

(3) The Chair of the Panel shall be a permanent invitee to all deliberations of the Governing Board.

(4) The composition of the panel and method of appointment of its members shall be as laid down in the Statutes.
7. Powers of the Academic Council.—(1) The Academic Council shall, in addition to the powers vested in it by the Act, have the following powers, namely:

(a) to report on any matter referred to it by the Governing Board;
(b) to make recommendations to the Governing Board with regard to,—
   (i) creation of teaching posts in the University and abolition thereof;
   (ii) formulation of and revision of schemes for the organization of the Schools, and assigning such Schools their respective subjects;
   (iii) promotion of research in the University and calling for report on such research;
   (iv) consideration of the proposals submitted by the Schools of Studies;
   (v) appointment of the Committees for admission to the University;
   (vi) making arrangements for the conduct of examinations;
   (vii) awarding Stipends, Scholarships, Medals and Prizes and making recommendations regarding the conferment of degrees, honours, diplomas, marks of honour;
   (viii) performance in relation to academic matters, all such duties and doing all such acts as may be necessary for the proper carrying out of the provisions of the Act, the Statutes and the Ordinances.

8. Powers and functions of the Boards of School of Studies.—(1) The Boards of School of Studies, shall consist of members nominated by the Governing Board.

(2) The Boards of School of Studies shall,—

(a) advise and report to the Academic Council on all matters relating to the organization of education, teaching, learning and research in the subjects of the School, including curricula and examinations.
(b) consider and where necessary take action on any matters which may be referred to them by the Academic Council or the Governing Board.

(c) advise and recommend to the Academic Council on the academic strategy of the Schools.

(3) Each Board of School of Studies may establish such sub-committees as it may deem necessary.

9. Finance Committee.—(1) The Finance Committee of the University shall consist of the following persons, namely,—

(i) Vice-Chancellor
(ii) a nominee of the Ministry of Finance
(iii) two persons nominated by the Chancellor who are not employees of the University
(iv) one Dean of the Schools of Study by rotation, nominated by the Vice-Chancellor, and
(v) Finance Officer

(2) The Vice-Chancellor shall act as the Chairperson of the Finance Committee.

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) All members of the Finance Committee other than ex-officio members shall hold office for a term of three years. The Vice-Chancellor and the Finance Officer shall be the ex-officio members.

(5) The quorum for a meeting of the Finance Committee shall be four.

10. Powers of the Finance Committee.—The Finance Committee shall have the following powers, namely,—

(a) to consider and examine the budget and accounts of the University and make appropriate recommendations for the approval of the Governing Board,
(b) to review, seek clarification, information from the Officers of the University as may be required to provide its recommendation to the Governing Board in relation to the annual accounts and the financial statements of the University as prepared by the Finance Officer and approved by the Vice-Chancellor,
(c) to scrutinize, examine and approve the proposals, agreements, and contracts for expenditure in terms of the Financial Regulations,
(d) to sanction expenditure above Rupees twenty-five lakh which has not been provided in the budget, and
(e) to consider the proposals for creation of posts before the same are sent to the Governing Board.

11. Chancellor.— (1) The Chancellor shall be appointed by the Visitor from a panel of names of not less than three persons recommended by the Governing Board and if the Visitor does not approve the recommended persons, he may invite a fresh panel.

(2) The Chancellor shall be a person of repute and international eminence.

(3) The Chancellor shall hold office for a term of three years from the date of appointment:

Provided that, notwithstanding the expiry of the said three years, the Chancellor shall continue in office until his successor is appointed.

(4) The Chancellor shall be eligible for re-appointment.

(5) The Chancellor may, by giving six months notice in writing addressed to the Visitor, resign from office and a copy of the notice of the resignation shall also be simultaneously served on the Governing Board.

12. Vice-Chancellor.— (1) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Governing Board and if the Visitor does not accept the recommendations, he may invite fresh recommendations.

(2) The Vice-Chancellor shall hold office for a term of five years from the date on which he/she enters upon his/her office, or until he/she attains the age of seventy years, whichever is earlier, and he/she shall be eligible for re-appointment.

Provided that, notwithstanding the expiry of the said period of five years, he/she shall continue in office until his/her successor is appointed and enters upon his/her office.

Provided further that the Governing Board may direct any Vice-Chancellor after his/her term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified or till his/her successor is appointed and enters upon his/her office, whichever is earlier.

(3) The Vice Chancellor may, by giving six months notice in writing addressed to the Visitor, resign from the office and a copy of the notice of resignation shall also be simultaneously served on the Governing Board.

(4) The Vice-Chancellor shall be a full time salaried employee of the University.

(5) The age of retirement of the Vice-Chancellor shall be 70 years.

13. Powers of the Vice-Chancellor.—The Vice-Chancellor shall,—

(a) have all such powers as may be necessary to ensure that the provisions of the Act, the Statutes, Ordinances and Regulations are duly observed;

(b) ensure smooth functioning of the University and be responsible for all the administrative, academic, financial and other functions of the University;

(c) have the power to constitute Committees, on such terms and conditions and with such powers and functions as he may deem fit and the notification of terms of reference of such Committees, as may be constituted, shall be placed in the subsequent meeting of the Governing Board for information;

(d) be entitled to be present at and to address any meeting of any Authority or Committee of the University but shall not be entitled to vote there at unless he is a member of such Authority or Committee;

(e) preside at the Convocations of the University or meetings of the Governing Board if the Chancellor is not present on such occasions;

(f) with the approval of the Governing Board, have the power to appoint employees, consultants, retainers and fix their remuneration, commensurate to the nature of services offered, to provide various kinds of services to the University as may be necessary for the development, operation and management of the University, subject to the terms and conditions of any Statute, Ordinances or Regulations, as may be applicable from time to time;

(g) with the approval of the Governing Board, have the power to create academic and non-academic posts and make appointments to such posts on contract basis (including on ad-hoc and temporary basis) varying from one year to three years subject to the terms and conditions of any Statutes, Ordinances or Regulations, as may be applicable from time to time;

(h) have the power to appoint an internal auditor to manage and oversee the audit functions of the University;
(i) ensure that every employee of the University is appointed under a written contract, one copy of which shall be filed with the University and the other shall be provided to the concerned employee;

(ii) have the power to send members of the staff for training or for a course of instruction subject to such terms and conditions as may be laid down in the Ordinances from time to time;

(k) be responsible for maintenance of discipline in the University; shall have all powers relating to the proper maintenance of discipline in the University;

(l) have the power to enter into, modify or cancel contracts or agreements entered into by the University with any third party and all contracts for and on behalf of the University, except the one between the University and the Vice-Chancellor, shall be in writing and be expressed to be made in the name of the University, and every such contract shall be executed on behalf of the University by the Vice-Chancellor or any other Officer of the University authorized by the Governing Board;

(m) have the authority to sanction advertisements including advertisements in souvenirs, journals and magazines and the like;

(n) have the authority to enter into agreement with any Government or local authority to obtain from such Government or authority rights, concessions, allowances and privileges;

(o) have the authority to institute, conduct, defend, compromise, refer to arbitration or abandon any legal or other proceedings, claims and disputes by or against the University and appear or authorize to appear any solicitors, advocates and counsels in this regard and pay their remuneration or authorize any Officers of the University to appear before any legal authority, file necessary affidavits, petitions, replies and do any act, deed or thing or authorize to do any act, deed or thing that may be necessary or in order to give effect to the institution or defending of any legal suit or proceeding;

(p) have such other powers and perform such other duties as may be conferred or imposed on him by the Act or the Statutes;

(q) have full authority to incur revenue expenditure in accordance with the Financial Regulations as may be laid down from time to time, subject to the budget provisions made for a specific purpose;

(r) have the authority to enter into, negotiate and sanction contracts and any capital expenditure and renegotiate such contracts and to do all such acts, deeds and things in the name of and on behalf of the University in relation to various matters concerning the University;

(s) have the power to, on the recommendation of the Finance Officer, re-allocate funds with respect to different items constituting the recurring budget up to a limit of Rs. 1,00,00,000/- (Rupees one crore) for each item, provided that such re-allocation shall not involve any liability in future and each such re-allocation shall, as soon as possible, be reported to the Finance Committee;

(t) be entitled to accept donations in kind or cash on behalf of the University as may be laid down by the Statutes, Regulations and Ordinances from time to time.

(u) have the power to convene meetings of the Governing Board and the Academic Council, and

(v) exercise such other powers as are accorded to it by the Governing Board in furtherance of proper functioning of the University.

14. Academic Staff.—The Vice-Chancellor, Professors, Associate Professors, Assistant Professors, Visiting Professors and such other persons as may be designated as such by the Statutes for imparting instructions in the University or for giving guidance or rendering assistance to students for pursuing any course of study of the University who may from time to time be recognized by the University authorities shall be the members of the academic staff.

15. Registrar(s).—(1) The University shall have such number of Registrar(s) as may be determined by the Governing Board.

(2) The Registrar shall be a whole-time salaried officer of the University.

(3) The Registrar shall;

(a) be the custodian of the records, common seal and such other property of the University as the Governing Board or any other Authority or Officer of the University shall commit to his charge;

(b) act as Secretary to the Standing Committee;
(c) provide secretarial functions to the Governing Board and perform such other duties and functions for any Authorities or Committees appointed by the Authorities of the University or both as prescribed from time to time, including issuance of notices for convening meetings of the Authorities of the University;

(d) conduct all official correspondence of the University—

16. Finance Officer.—(1) The Finance Officer shall have the power to,—

(a) exercise general supervision over the funds of the University and advise it as regards its financial policy;

(b) perform such other financial functions as may be assigned to him by the Finance Committee, the Vice-Chancellor or the Governing Board;

(2) Subject to the control of the Finance Committee, the Finance Officer shall,

(a) see that the limits for recurring and non-recurring expenditure for a year are not normally exceeded and that all moneys are expended for the purposes for which they are granted or allotted;

(b) be responsible for the preparation of annual accounts and ensure compliance with all the accounting standards and all applicable laws and regulations;

(c) ensure that all requests for payments or receipts received by him are in accordance with the prescribed financial norms and authorisation limits and laid down in the Financial Regulations or any administrative delegation made thereunder;

(d) ensure that all items procured by the University are duly entered into the stock register and a certificate to this effect is recorded on the bills or vouchers;

(e) ensure that all records on account of capital acquisitions and supplies or purchase are maintained properly;

(f) be responsible to verify all bills or vouchers;

(g) be responsible for the preparation of the Budget of the University for the next financial year and for its presentation to the Vice-Chancellor and the Finance Committee;

(h) have the authority to take cash insurance to secure the funds of the University;

(i) monitor the cash and bank balance, all financial transactions and the state of investments;

(j) monitor collection of revenue and render advice on the methods of collection employed;

(k) have the accounts of the University regularly audited in terms of the Act;

(l) monitor and enquire about unauthorized expenditure and suggest disciplinary proceedings against persons at fault;

(m) be responsible for establishing and maintaining the internal controls commensurate with the size of the University and for the internal audit function;

(n) circulate a copy of the audited annual accounts in accordance with the provisions of section 32 of the Act;

(o) keep updated records of all information that he may consider necessary to discharge his financial responsibilities and ensure at the end of every month that all financial transactions including bank charges and commissions reconcile or match with the information submitted by the banks;

17. Financial assistance by Member States.—(1) All financial contributions made by the Member States, for the University, shall be sent either electronically to the designated bank account of the University, or in the form of a cheque or a bank draft in the name of "Nalanda University" with intimation to the Vice-Chancellor of the University.

(2) The Finance Officer shall maintain records of the financial contributions made by the Member States and at the end of each financial year, the Registrar shall calculate the total financial contribution made by each of the Members States in the said financial year and such records shall be placed in the meeting of the Governing Board and included in the annual report of the University.

18. Procedure of nomination by Member States to Governing Board.—(1) The representation of the Member States on the subsequent constitution of the Governing Board shall be determined according to the financial contributions made from the Member States and the top five contributing Member States, during the period ending first closing date, shall nominate a member each to the Governing Board.

(2) Thereafter, five Member States that provide the highest financial contribution to the University during the next period of three years shall nominate a member each to the next Governing Board. Such nominees shall be chosen by the Governments of the concerned Member States.
(3) For the purpose of calculation of the total financial contribution made by a Member State, only monetary financial contributions made in accordance with the Statutes shall be taken into account.

19. Gifts to the University.—(1) The Vice-Chancellor shall set priorities for fund raising, and to review and set administrative policies and procedures concerning Gifts to the University.

(2) The University shall promote the solicitation, acceptance and stewardship of Gifts to secure resources that shall enable the University to further advance its priorities and commitment to excellence in teaching, learning and research.

(3) The University shall not accept any Gift that precludes the University from accepting Gifts from other Donors and the University shall not accept Gifts that violate any applicable law or regulation and reserves the right to reject any Gift.

(4) The act of giving a Gift to the University shall be irrevocable whilst the Gift and the Gift Purpose shall be subject to the University’s prevailing policies and procedures.

(5) In recognition of a Gift made by a Donor, the University may offer the Donor a naming opportunity within the University and the Vice-Chancellor may from time to time to set the minimum Gift level for naming opportunities which may be offered.

(6) If a Donor who has been offered a naming opportunity by the University falls into disrepute, the University reserves the right to discontinue the use of the relevant name.

(7) All Gift-related naming opportunities shall be approved by the Vice-Chancellor and in the case of a Gift-related naming of a School, Department, Faculty, Chair or any infrastructure, such naming shall be approved by the Governing Board upon the recommendation of the Vice-Chancellor.

(8) All Gifts shall be used in accordance with the Gift Purpose and all information pertaining to a Donor and his Gift shall be handled with respect and given confidential treatment to the fullest extent available in law.

(9) The University shall appropriately acknowledge and recognize Donors and their Gifts according to such criteria as may be stipulated in the Statutes.

(10) The Vice-Chancellor shall have the sole right to invest the Gifts in accordance with guidelines approved by the Governing Board.

(11) The University may charge all reasonable costs and expenses incurred in administering a Gift or a Gift Purpose to the relevant underlying fund.

(12) The Vice-Chancellor shall, in consultation with the Donor, have the power to make changes to a Gift Purpose, which has in whole or in part ceased to provide a suitable or effective way of using the relevant Gift and the University shall endeavour to use the Gift for such purposes as nearly as possible akin to the original Gift Purpose.

20. Protection to members of the Authorities, Officers and employees of the University.—The members of the Authorities, Officers and employees of the University for the time being acting in relation to any of the affairs of the University, their executors and administrators shall be indemnified out of the assets and funds of the University from or against all suits, proceedings, costs, charges, losses, damages and expenses which they or any of them shall or may incur or sustain by reason of any act done or committed in or about the execution of their duties in their respective offices except those done through their wilful neglect or default and any such members of the Authorities, Officers and employees shall not be answerable for acts, omissions, neglect or default of any other members of the Authorities, Officers or employees.

21. Notices.—Unless otherwise provided in the Act Statutes, or Regulations, whenever notice is required to be given under any Statute or Regulations, it may be given in writing and delivered personally or sent by prepaid mail, commercial message delivery service, electronic mail, or electronic facsimile transmission to the intended recipient at his or her address, electronic mail address, or electronic facsimile number as shown in the records of the University and, if sent by prepaid mail to an address in India or to an address outside India, such notice shall be deemed to have been given on the day following that on which the notice was deposited with postage prepaid in the Indian Post and if notice is sent by a commercial message delivery service, such notice shall be deemed to have been given, on the day it is so sent and notice given electronically shall be deemed delivered when transmitted electronically to the intended recipient's electronic mail address or facsimile number, provided no transmission error message is generated by the transmitting device.

JITENDRA NATH MISRA
Jt. Secy. (Nalanda)
MINISTRY OF EXTERNAL AFFAIRS
NOTIFICATION

New Delhi, the 24th December, 2013

No. S/321/24/2011. — In exercise of the powers conferred by Section 30 of the Nalanda University Act, 2010 (39 of 2010), the Governing Board makes the following Financial Regulations of the Nalanda University, namely:—

Short title, commencement and application
1. (1) These Regulations may be called the Nalanda University Financial Regulations, 2013.
   (2) They shall come into force on the date of their publication in the Official Gazette.
   (3) These regulations shall apply to the University including the main campus and all the Centres and Bodies set up by the University.

Definitions
2. In these Regulations, unless the context otherwise requires,
   (a) “impacting the singular number” shall include the plural number and vice-versa;
   (b) “impacting masculine gender” shall include the feminine gender and vice-versa;
   (c) words and expressions used herein and not defined but defined in the Act and the Statutes shall have the meaning respectively assigned to them in the Act or the Statutes, as the case may be.

General Financial Guidelines
3. (1) To determine the level of authority for sanction, the amount sanctioned or incurred in respect of each transaction as a whole and not any installment or part of a transaction shall be taken into account.
   (2) No officer shall sanction expenditure which may directly or indirectly be to his own advantage or benefit.
   (3) All expenses, either of revenue or capital nature, incurred in any year shall be within the approved annual budget allocated for that year for meeting the expenditure and the annual budget approval is only a general sanction and there shall be specific approval of the competent authority for incurring expenditure in the manner as specified under these Regulations and all expenditures shall be subject to the relevant limits authorized for a particular kind/nature of expenditure.
   (4) The Vice-Chancellor, as the principal academic and executive head of the University, shall have the full authority over financial matters and shall supervise the financial and administrative matters: provided that the Vice-Chancellor may delegate in writing his financial and administrative powers to other officers, authority, committee or employee of the University as deemed fit:

Provided further that the delegation of powers by the Vice-Chancellor to the officers and staff of the University shall be subject to ultimate control of the Vice-Chancellor.
(5) Any officer exercising financial powers either by virtue of his post or by delegation shall exercise his powers and functions to the extent delegated by the Vice-Chancellor.

Financial Authority
4. (1) The Finance Committee shall oversee the financial matters of the University.

(2) An officer or authority or committee or body to whom or to which, the financial power has been delegated may approve purchase of goods or services or contracts valued up to rupees one lakh only and in the absence of any such delegation, the Vice-Chancellor shall approve the purchase of such goods, services or contracts.

(3) The Vice-Chancellor shall approve all purchases of goods or services or contracts valued above rupees one lakh and up to rupees twenty five lakhs as per the recommendation of a Purchase Committee constituted by the Vice-Chancellor for the said purpose.

(4) The Vice-Chancellor shall approve all purchases of goods or services or contracts valued over rupees twenty five lakhs on the recommendation of the Procurement Committee.

(5) All purchases, execution of works, hiring of services and other related matters shall be made as per the Procurement Procedure hereinafter provided in these Regulations.

(6) As per section 10(d) of the Statutes of the University, the Finance Committee shall have the power to sanction expenditure above Rupees twenty five lakhs which has not been provided for in the budget.

(7) In case of delegation of financial powers, the Vice-Chancellor shall specify the monetary limits while delegating powers to any other Authority, Officer or employee of the University and the financial power assigned to such delegate shall not be further delegated to any other officer or such financial power shall not be exercised by any other officer of equivalent rank.

(8) If the delegate is not present to perform the delegated financial powers, alternative arrangements for exercising such power may be made with the specific approval of the Vice-Chancellor.

(9) All disbursements above rupees ten thousand shall be made by account payee cheque, by wire transfer or by electronic funds transfer, save and except the cash disbursements authorised by the Vice-Chancellor or authorized officer to the University staff, as per the Statutes, Regulations or Ordinances in force from time to time and disbursements shall be recorded in the accounts on the day on which they are made, that is, on the day of issue of cheque, transfer of funds or payment made in cash.

(10) Unless otherwise specified, the residual powers in respect of all financial matters shall be with the Finance Committee.

Financial Powers of the Vice-Chancellor
5. (1) Expenditure shall be divided under two heads, namely, Capital Expenditure and Revenue Expenditure.

(2) Capital items include all equipment, furniture, fixtures and buildings and other related matters. Revenue expenditure, in addition to salary, shall cover all day to day expenses such as maintenance, utility bills, stationery, office over-heads, travel, miscellaneous, contingencies, hospitality and promotional activities and other related matters.

(3) The Vice-Chancellor may sanction expenditure in full on each occasion, both in respect of Revenue and Capital items, subject to availability of funds;

Provided that all expenditure above rupees twenty five lakhs, shall be reported to the Finance Committee.

Financial Year
6. The financial year of Nalanda University shall be 1st April to 31st March of the following year.

Funds
7. (1) The University shall have a general fund account to which funds received by the University from the Government of India shall be credited.

(2) The funds received from other countries or from other sources shall be kept in separate accounts and the number of such accounts shall be the minimum necessary as per the functional requirements of the University.

(3) The funds shall be administered by the Vice-Chancellor or other designated officers of the University.
Acceptance of gifts and donations

8. (1) The University, with the approval of the Vice-Chancellor, may accept gifts or donations:

Provided that the purposes for which the contributions are made are consistent with the aims of the University as set out in the Nalanda University Act, 2010 (39 of 2010).

(2) Monies accepted for the purposes specified by the donor shall be treated as trust or endowment or specific funds.

(3) Monies received from other Member States of East Asia Summit shall be treated as financial contributions by them and reported as such.

(4) Voluntary contributions, gifts and donations which directly or indirectly involve additional financial liability for the University may be accepted only with the prior approval of the Vice-Chancellor if the budget provision exists for such expenditure or additional financial liability.

(5) Monies accepted in respect of which no purpose is specified shall be treated as miscellaneous income in the accounts for the relevant financial period.

(6) The Vice-Chancellor may approve acceptance of donations in kind for which proper account shall be maintained.

Receipt of Funds

9. (1) The Vice-Chancellor or officials authorized by the Vice-Chancellor shall be allowed to receive cash or cheques on behalf of the University for which a provisional receipt shall be issued immediately and the said amount shall immediately be deposited in the designated bank account or temporarily kept in the safe custody of the office of the University if the bank is not open.

(2) The official authorized to accept such amount shall subsequently ensure issuance of final receipt within two working days.

Bank Accounts of the University and Signatories

10. (1) The University shall maintain such Indian currency or foreign currency accounts as may be necessary for its operations.

(2) The Vice-Chancellor may order opening of various bank accounts, authorise signatories to operate bank accounts, modify signatories to operate bank accounts or order closure of all or any of the bank accounts of the University.

(3) The Vice-Chancellor shall authorise officials to sign cheques and pay orders issued on behalf of the University and all cheques and pay orders shall be signed by two officials.

(4) The authority to any person to sign cheques and pay orders is delegated on a personal basis and shall not be re-assigned by such person.

(5) The Finance Officer shall ensure that there are sufficient funds in the bank account when cheques and other payment instructions are issued.

Exchange of Currencies

11. Officials responsible for the operation of the Nalanda University bank accounts shall not exchange one currency for another, except to the minimum extent necessary for the transaction of official business.

Cash advances

12. (1) The Vice-Chancellor shall have the authority to approve cash advances to the officials designated for this purpose by the University.

(2) The officers to whom cash advances are issued shall be held personally accountable and financially liable for the proper management and safekeeping of cash so advanced and must be in a position to account for these advances at all times and they shall submit timely accounts for the same, preferably within one month.
The Finance Officer shall ensure that all advances are periodically adjusted and reconciled.

Advances for supply of goods and services to parties or suppliers may be considered for approval by the Vice-Chancellor against proper securities to the satisfaction of the University, as referred to in Regulation 24.

An imprest of up to rupees twenty-five thousand each may be created for urgent day to day needs and requirements of the University and shall be operated only by designated Drawing and Disbursing Officer [DDO].

Investments

The University through the Vice-Chancellor may invest University funds in instruments as per Government of India guidelines in this regard.

Writing off of stores or losses

The Vice-Chancellor may, after full investigation, and on the recommendations of Finance Committee, authorise the write off or loss of equipments and other assets on account of age or non-serviceability.

The Vice-Chancellor or designated officials shall ensure that all records on account of capital acquisitions and supplies or purchase have been maintained properly.

When any fixed asset is acquired, a copy of the voucher shall be forwarded to the concerned officer for record and the University shall prepare an inventory of the capital items held by it at the end of each financial year.

When an asset is written off but has disposable value, the University shall try to dispose it off to its best advantage on "as is where is" basis including by calling for sealed tenders or quotations where deemed necessary.

A list of all items written off in a financial year along with proper justification shall be maintained.

Interim general provision

Till such time as all the authorities or bodics or procedures or regulations are put in place, the decision in all financial matters and to the extent not provided for in the Statutes may be approved by the Governing Board on the recommendations of the Finance Committee.

Procurement: General guidelines

Procurement functions include all actions necessary for the acquisition, by purchase or lease of property, including products, goods and real estate, and of services, including works.

The Finance Committee shall oversee the general observance of the Procurement Procedure of the University.

All procurements shall be made by the University having regard to the following considerations, namely:

(a) Best value for money;
(b) Fairness, economy and transparency;

Every procurement order or contract with a monetary value not exceeding the financial limits specified by the University may be in writing or by electronic means.

The contract referred to in sub-regulation (4) shall specify the following, namely:

(a) nature of the product or service;
(b) quantity;
(c) price per unit;
(d) period of contract;
(e) terms of delivery and payment;
(f) details of the supplier
Procedure for Procurement

17. (a) *Without inviting quotation* -

(i) All purchases of products and goods, execution of works and hiring of services up to an amount of Rs. 15000/- (Rupees fifteen thousand) only on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority in the following format:-

"I, ____________________________, am personally satisfied that these goods purchased are of requisite quality and specification and have been purchased from a reliable supplier at a reasonable price."

(ii) All purchases of products and goods, execution of works and hiring of services above Rs. 15000/- (Rupees fifteen thousand) only and upto Rs 1,00,000/- (Rupees One lakh) only on each occasion may be made on the recommendation of a Local Purchase Committee consisting of three members duly constituted by the Vice-Chancellor for the purpose and the Purchase Committee shall survey the market to ascertain the reasonableness of rates, quality and specifications and identify the appropriate supplier.

(iii) Before recommending placement of the purchase order, the members of the Committee shall jointly record the following certificate, namely:-

"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."

(b) *By inviting quotations* -

The purchase or procurement process through the Limited Tender Enquiry for an amount up to rupees twenty five lakhs is to be conducted by a Purchase Committee duly constituted by the Vice-Chancellor for the said purpose.

(c) *Limited Tender Enquiry* -

(1) In case of purchase of items, execution of works, hiring of services whose estimated value not exceeding rupees twenty five lakhs, a minimum of four sealed tenders or quotations shall be called for or collected.

(2) For the purposes of Limited Tender Enquiry, the following procedure shall be adopted, namely:-

(i) copies of the bidding document shall be sent directly by speed post or registered post or courier or e-mail to firms which are borne on the list of registered suppliers for the goods in question with the Nalanda University, till the time Nalanda University prepares a list of registered suppliers of its own, the list of registered suppliers of Directorate General of Supplies and Disposals may be used or suppliers may be identified by informal enquiries.

(ii) The number of supplier firms shall be more than three and efforts shall be made to identify a higher number of approved suppliers to obtain more responsive bids on competitive basis.

(iii) The notice of tender shall be displayed at prominent places in the concerned Department and the University.

(iv) The notice of tender and the bidding document shall be put on the web site of the University and on the CPP Portal through MEA.

(v) A period of not less than three weeks shall be allowed for submission of bids and if the circumstances so warrant, this time period may be curtailed by the competent authority for reasons to be recorded in writing.

(d) *Advertised Tender Enquiry* -

(1) Where the estimated cost of products and goods, execution of works and hiring of services is above rupees twenty five lakhs, tenders shall be invited through an open tender enquiry and the process shall be conducted by the Procurement Committee and advertisement for this purpose shall be given in at least one national daily having wide circulation and also posted on the web-site of the University as well as on the CPP Portal through MEA.
(2) As far as possible, the advertisement shall also be inserted in the Indian Trade Journal.

(3) The period for submission of bids shall be three weeks from the date of publication of the notice of the tender:

Provided that the said period may be curtailed for reasons to be recorded in writing.

(4) Purchase through Limited Tender Enquiry may be adopted in the following cases even if the estimated value of the procurement is more than rupees twenty five lakhs if—

(i) the competent authority certifies that the demand is urgent and any additional expenditure involved by not procuring through advertised tender enquiry is justified in view of the urgency and the nature of the urgency and reasons why the procurement could not be anticipated should also be recorded in writing.

(ii) the competent authority may, for reasons to be recorded in writing, indicate that it is not possible to procure the goods through advertised tender enquiry in the public interest.

(iii) the sources of supply are definitely known and there is no possibility of fresh source beyond those being tapped.

(c) Single Tender Enquiry:

Procurement from a single source may be resorted to in the following circumstances, namely:-

(1) It is in the knowledge of the University that only a particular firm is the manufacturer of the required goods.

(2) In a case of emergency, the required goods are necessarily to be purchased from a particular source and the reason for such decision is to be recorded and approval of the competent authority obtained.

(3) (a) The required item is to be purchased only from a selected firm for standardization of machinery or spare parts to be compatible to the existing sets of equipment (on the advice of a competent technical expert and approved by the competent authority).

(b) Propriety Article Certificate in the following form is to be provided by the concerned department or branch before procuring the goods from a single source, namely:-

(i) the intended goods are manufactured by M/s ..........................................................

(ii) no other make or model is acceptable for the following reasons, namely:..........................

(iii) concurrence of the Finance Wing of the University has been obtained, vide..................................

(iv) approval of the competent authority has been obtained vide...........

Assignment of Works to Public Works Organizations

18. The following procedure may be applied:-

(i) The University at its discretion may directly execute repair work estimated to cost upto Rs 10 Lakh after following due procedure indicated under Rule 132 of GFR.

(ii) The University may, at its discretion, assign repair works estimated to cost above Rs 10 Lakh and upto Rs 30 Lakh to any Public Works Organization, which includes State Public Works Divisions, other Central Government organizations authorized to carry out civil or electrical works such as Central Public Works Department (CPWD), Military Engineering Services (MES), Border Road organizations etc., or Public Sector Undertaking set up by the Central or State Government to carry out civil or electrical works.

(iii) All original works costing up to Rs 10 Lakh shall be assigned by the University to a Public Works Organizations as defined in 18(ii) above.

(iv) All original works estimated to cost above Rs. 10 lakhs and repair works estimated to cost above Rs. 30 lakhs may be got executed through a Public Works Organization as defined in 18(ii) above in consultation with the Ministry of Urban Development through Ministry of External Affairs.
Committees for Purchases and Procurement

19. (a) Purchase Committee

A Purchase Committee shall consist of three members of an appropriate level constituted by the Vice Chancellor.

(b) Procurement Committee

(1) The Procurement Committee shall consist of the following persons, namely:—

(i) two members nominated by the Vice Chancellor from among the teachers or officers of the University;
(ii) Finance Officer (ex-officio);
(iii) the Registrar (ex-officio);
(iv) two persons co-opted by the Vice-Chancellor from a panel of names approved by the Finance Committee for their specialized knowledge as required.

(2) The Vice-Chancellor shall also appoint one of the members of the Procurement Committee as its Chairperson and the Registrar shall be the Secretary of the Committee.

(3) All members of the Procurement Committee, other than the ex-officio members, shall hold office for a term of one year.

(4) The quorum for a meeting shall be four.

(c) Buildings and Works Committee

(1) There shall be a Buildings and Works Committee to accord administrative and technical approval or sanction to the proposal of building and construction works of the University whose estimated value is above rupees twenty-five lakhs.

(2) (a) The Buildings and Works Committee shall consist of the following persons, namely:—

(i) Vice-Chancellor – Chairperson;
(ii) one member from among the teaching faculty of the University to be nominated by the Vice-Chancellor;
(iii) three eminent professionals or experts, including at least one architect and one engineer, in their individual capacities, approved by the Governing Board;
(iv) Special Secretary or Additional Secretary (Financial Advisor) in the Government of India, Ministry of External Affairs or his representative;
(v) Additional Secretary or Joint Secretary (Nalanda), Ministry of External Affairs or his representative;
(vi) Dean (Academic Planning), Nalanda University;
(vii) Finance Officer, Nalanda University;
(viii) University Engineer, Nalanda University;
(ix) Registrar, Nalanda University (Member Secretary);

(b) The term of nominated members shall be of one year.

(c) The quorum for a meeting shall be seven.

(3) Proposals for construction works, repairs, additions under civil and electrical works, and renovation involving an estimated amount up to rupees twenty-five lakhs shall not be required to be placed before the Buildings and Works Committee and they shall be accorded administrative sanction by the Vice-Chancellor and technical sanction by the engineering staff in place in the university.

Obtaining Two Bids—Technical and Financial (In the Cases of Procurement of Goods of Technical Nature)

20. (a) In the cases of procurement of goods that are technical in nature such as plant, machinery, equipment, software and other things, bids may be obtained in two parts as under:

(i) technical bid consisting of all technical details along with commercial terms and conditions; and
(ii) financial bid containing item-wise price for the items mentioned in the technical bid.
(b) The technical bid and the financial bid shall be sealed by the bidder in separate covers duly superscribed and both these sealed covers are to be put in a bigger cover which should also be sealed and superscribed.

c) The technical bids shall be opened first and evaluated by a committee or sub-committee constituted for this purpose and the said committee shall record in detail the reasons for acceptance or rejection of the technical proposals analyzed and evaluated by it.

d) At the second stage, the financial bids of only those bidders who have been declared technically qualified shall be opened by another committee or sub-committee or the common committee, as the case may be, for further evaluation, ranking and selecting the successful bidder for award of the contract.

Bidding Document

21. The bidding document to be given to prospective suppliers shall contain the following information or documents, namely:—

(a) Instructions to bidders
(b) Conditions of contract
(c) Schedule of requirements
(d) Specifications and allied technical details
(e) Price Schedule (to be utilized by the bidders for quoting their prices)
(f) Contract Form
(g) Other Standard Forms, if any, to be utilized by the purchaser and the bidders.

Bid Security (Earnest Money) and Performance Security

22. (a) At the Stage of Inviting Bids - To safeguard against a bidder withdrawing or altering its bid during the bid validity period in the case of advertised or limited tender enquiry, bid security (also known as earnest money) may be obtained from the bidders except those registered with the Central Purchase Organization or Department or University.

(i) The amount of bid security shall ordinarily range between two to five percent of the estimated value of the goods to be procured.

(ii) The bid security may be accepted in the form of Account payee demand draft, Fixed Deposit Receipt, Bankers’ cheque or Bank Guarantee from any of the commercial banks in an accepted form safeguarding the interest of the University in all respects.

(iii) The bid security shall remain valid for a period of forty-five days beyond the final bid validity period.

(iv) Bid securities of the unsuccessful bidders shall 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.

(b) At the Stage of Awarding the Contract - To ensure due performance of the contract, performance security at the rate of five to ten percent of the value of the contract may be obtained from the successful bidder awarded the contract irrespective of its registration status.

(i) The performance security may be in any form referred to in clause (a) above.

(ii) Performance security shall remain valid for a period of sixty days beyond the date of completion of all contractual obligations by the supplier including warranty obligations.

(iii) Bid security shall be refunded to the successful bidder on receipt of performance security.

Advance or Part Payment to Suppliers

23. (A) Advance Payment

(1) The payments for services rendered or goods supplied shall be released only after the services have been rendered or supplies made: Provided that advance payments may be considered in the following cases, namely:

(i) advance payments demanded by firms holding maintenance contracts for servicing air-conditioners, computers, other costly equipment and other related goods or materials;

(ii) advance payment demanded by firms against fabrication contracts, turn- key contracts and other related matters.
(2) Advance payments shall not exceed the following limits, namely:

(i) thirty percent of the contract value to private firms;

(ii) forty percent of the contract value to a State Government or Central Government agency or a Public Sector Undertaking; or

(iii) In case of a maintenance contract, the amount shall not exceed the amount payable for six months under the contract.

(3) (a) The concerned procuring Department may relax the ceilings (including the percentage for advance payment to private firms) referred to in sub-regulation(2) in consultation with the Finance wing of the University.

(b) While making advance payment, adequate safeguards in the form of bank guarantee shall be obtained from the firm.

(B) Part Payment

Depending upon the terms of delivery incorporated in a contract, part payment to the supplier may be released after it dispatches the goods from its premises in terms of the contract.

Criteria to be followed in the procurement process

24. (1) In the public procurement, the purchases shall be made in a transparent, competitive and fair manner to secure best value for money, which shall enable the prospective bidders to formulate and send their competitive bids with confidence.

(2) To ensure transparency and fairness, the following criteria may be followed, namely:

(a) The text of the bidding document shall be self-contained and comprehensive without any ambiguity and the bidding document shall contain -

(i) the criteria for eligibility of qualifications to be met by the bidders such as minimum level of experience, past performance, technical capability, manufacturing facilities and financial position and other related matters;

(ii) eligibility criteria for goods indicating any legal restrictions or conditions about the origin of goods and other related matters which may be required to be met by the successful bidder;

(iii) the procedure and the date, time and place for sending bids;

(iv) the terms of delivery;

(v) special terms affecting performance, if any.

(b) The bidders shall be given reasonable time to send their bids.

(c) The bids shall be opened in public and authorized representatives of the bidders shall be permitted to attend the bid opening.

(d) Bids received after the specified date and time for receipt of bids shall not be considered.

(e) The specifications of the required goods shall be clearly stated without any ambiguity so that the prospective bidders may send meaningful bids and in order to attract sufficient number of bidders, the specifications shall be broad based to the extent feasible.

(f) For determining responsiveness of bids, criteria and factors to be taken into account for evaluating the bids on common platform and the criteria for awarding the contract to the responsive lowest bidder shall be clearly indicated in the bidding document.

(g) Suitable provision for settlement of disputes, if any, emanating from the resultant contract, shall be kept in the bidding document.

(h) The bidding document shall clearly indicate that the resultant contract shall be interpreted under Indian laws.

(i) Bidders shall not be permitted to alter or modify their bids after expiry of the deadline for receipt of bids.

(j) In the case of turn-key contracts or contracts of special nature for procurement of sophisticated and costly equipment, a suitable provision may be made in the bidding document(s) for pre-bid conference for clarifying issues and
clearing doubts, if any, about the specifications and other allied technical details of the plant, equipment and machinery projected in the bidding document.

(ii) The date, time and place of pre-bid conference shall be indicated in the bidding document and the date shall be sufficiently ahead of the bid opening date.

(k) (i) If a new item is being purchased by replacing the old one, a suitable clause is to be incorporated in the bidding document mentioning the buy back offer so that the prospective and interested bidders may formulate their bids accordingly.

(ii) The details of condition and value of the old item to be traded shall be clearly mentioned: Provided that, provision shall also be kept in the bidding document to enable the purchaser to trade or not to trade the item while purchasing the new one.

(l) (i) Bids received shall be evaluated in terms of the conditions already incorporated in the bidding documents and no new condition which was not incorporated in the bidding documents shall be brought in for evaluation of the bids.

(ii) Determination of a bid's responsiveness shall be based on the contents of the bid itself without recourse to extrinsic evidence.

(m) There shall not be negotiations with bidders after the opening of the bid:

Provided that negotiation with only the lowest evaluated responsive bidder, that is, L-1 may be held in specific circumstances if the same is found logical and justified in the financial interest of the University.

(n) In the rate contract system, where a number of firms are brought on rate contract for the same item, negotiations and counter offering of rates are permitted with the bidders.

(o) (i) Contract shall be awarded to the lowest evaluated bidder:

Provided that where the lowest acceptable bidder against ad-hoc requirement is not in a position to supply the full quantity required, the remaining quantity, as far as possible, be ordered from the next higher responsive bidder, that is, L-2 at the rates offered by the lowest responsive bidder, that is, L-1;

(ii) The guidelines of the Central Vigilance Commission will be complied with.

(p) The name of the successful bidder awarded the contract shall be mentioned on the notice board or put on the University's web site.

Maintenance contract

25. (a) Depending upon the cost and nature (generally sophisticated and costly equipment and machinery) of the goods to be purchased, the University may enter into maintenance contracts for suitable period either with the supplier of the goods or with any other competent firm.

(b) While entering into such contract, it may be kept in view 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 shall commence only thereafter.

Procurement of services

26. Procurement of services, that is, hiring of external professionals (outsourcing of services), consultancy firms or engagement of consultants for a specific job may be done.

27. For the purposes of Regulation 27, the following guidelines shall be followed, namely:-

(1) Identification of work or services - Engagement of consultants may be resorted to in situations requiring high quality services for which the University does not have the requisite expertise with the approval of the competent authority before engaging consultants.

(2) Defining the scope of work or service -

(a) The requirement, objective and scope of the work or service may be explicitly defined in a simple and concise language.

(b) The terms of reference containing the eligibility and pre-qualification criteria to be met by the consultant shall include the following, namely:-
(i) precise statement of objectives.
(ii) outline of the tasks to be carried out.
(iii) schedule of completion of tasks.
(iv) the support or inputs to be provided by the University to facilitate
    the consultancy.
(v) the final output that shall be required of the consultant.

(3) *Estimating reasonable expenditure* - Reasonable expenditure on the proposed engagement of consultants shall be
    estimated by ascertaining the prevalent market conditions and consulting other organizations engaged in similar activities.

(4) *Identification of likely sources or service* -

(i) For services, up to rupees twenty five lakhs, a list of potential consultants shall be prepared on the basis of formal or
    informal enquiries from other organizations involved in consultancy firms in similar activities.

(ii) For services above twenty five lakhs, in addition to the provision in clause(i), an enquiry for seeking ‘Expression
    of Interest’ (including in brief, the broad scope of work or service, inputs to be provided by the University, eligibility and
    the pre-qualification criteria to be met by the consultant and the consultant’s past experience in similar work or service)
    from consultants shall be published in at least one national daily and the University’s web site and the web site address
    shall also be given in the advertisements.

(iii) The consultants shall be asked to send their comments on the objectives and scope of the work or service projected
    in the enquiry and adequate time shall be allowed for getting responses from interested consultants.

(5) *Shortlisting of consultants* - On the basis of responses received from the interested parties, consultants meeting the
    requirements shall be shortlisted for further consideration and the number of shortlisted consultants shall not be less than
    three.

(6) *Issue of request for proposal* - The short listed consultants shall be issued the Request for Proposal to seek their
    technical and financial proposals. It shall contain the following, namely:-

(i) a letter of invitation;
(ii) information to consultants regarding the procedure for submission of proposal;
(iii) terms of reference;
(iv) eligibility and pre-qualification criteria in case the same has not been ascertained through enquiry for Expression
    of Interest;
(v) list of key positions whose Curriculum Vitae and experience shall be evaluated;
(vi) bid evaluation criteria and procedure of selection;
(vii) standard formats for technical and financial proposal;
(viii) proposed contract terms;
(ix) procedure proposed to be followed for mid-term review of the progress of the work and review of the final draft report.

(7) *Receipts and opening of proposals* -

(a) Proposals shall be asked for from consultants in ‘two-bid’ system with technical and financial bids sealed separately
    and both the envelopes kept in a bigger envelope duly sealed.

(b) The bid shall be submitted by the specified date and time at the specified place and the bids received after the
    specified date and time of receipt shall not be considered.

(c) On receipt of bids, the technical proposals shall be opened first.

(8) *Evaluation of bids* -

(a) The technical bids shall be evaluated by a duly constituted committee or sub-committee and the committee shall record
    in detail the reasons for acceptance or rejection of the technical proposals.
(b) The common committee or a separate committee or sub-committee shall open the financial bids of only those bidders who have been declared technically qualified by the committee and the committee shall further evaluate the financial bids for ranking or selecting the successful bidder for award of the consultancy contract.

(9) **Selection of a particular consultant by nomination** - In special circumstances where it becomes necessary to select a particular consultant in the interest of the University, full justification for such single-source selection shall be recorded on the file and approval of the competent authority obtained before resorting to such single-source selection.

(10) **Monitoring the contract** - The performance of the consultants shall be continuously monitored so that the output of the consultancy is in line with the objectives of the concerned department or unit.

**Outsourcing of Services**

28. The following basic guidelines shall be complied with while outsourcing services; namely:-

(1) **Identification of likely contractors** - The concerned Department or centre or unit shall prepare a list of likely and potential contractors on the basis of formal or informal enquiries from other organizations involved in similar activities, ‘Yellow Pages’, trade journals, web site.

(2) **Preparation of tender enquiry** - The tender enquiry shall contain the following, namely:-

(i) the details of the work or service to be performed by the contractor;

(ii) the facilities and the inputs which shall be provided to the contractor by the University;

(iii) eligibility and qualification criteria to be met by the contractor for performing the required work or service;

(iv) the statutory and contractual obligations to be complied with by the contractor.

(3) **Invitation of bids** -

(A) For services up to rupees ten lakhs or less-

(i) there shall be scrutiny of preliminary list of identified contractors;

(ii) determination of the prima facie eligibility and capable contractors;

(iii) issue of limited tender enquiry to them asking for their offers by a specified date and time (the number of such identified contractors shall not be less than four).

(B) For services above rupees ten lakhs.- The University shall issue advertised tender enquiry asking for the offers by a specified date and time in at least one popular largely circulated national newspaper and web site of the University as well as on CPP Portal through MEA.

(4) **Receipts and Evaluation of Bids** -

(i) Bids received after the specified date and time of receipt shall not be considered.

(ii) The responsive bids shall be evaluated, segregated, ranked for selecting the successful bidder for award of the contract.

(5) **Outsourcing by choice** - In case of an exceptional situation, competent authority in the University may outsource a job to a specifically chosen contractor, in consultation with the Finance Wing of the University.

In such cases, the detailed justification, the circumstances leading to the outsourcing by choice and the special interest or purpose it shall serve shall be recorded in writing which will form an integral part of the proposal.

(6) **Monitoring the contract** - The conduct and performance of the contract shall be monitored continuously.
29. In respect of all regulations contained herein, to the extent that there are similar provisions in GFR and DFPR, they shall apply unless specific exemptions have been granted. For seeking such exemptions, proposal may be submitted to the Ministry of External Affairs for approval by the Competent Authority.

30. In respect of all provisions which are not covered under these regulations, the provisions of GFR, DFPR and instructions issued by the Ministry of Finance from time to time as applicable, shall apply.

DR. ANUPAM RAY, Jt. Secy. (Nalanda)

[ADVT-III/4/Exty/191-D/13]