

HSCC (I) Ltd

Amendment –IV Dated 05.10.2020

Ref. IFB No: HSCC/AIIMS-RAEBARELI/Hospital/07/2020 Dated : 04.09.2020

Subject: Procurement of Medical Equipment for AIIMS -Raebareli.

Amendments and Extension of Bid submission Date :

Commercial Amendments:

Sr. No.	Existing As	Amended as
1	New Point Added	MSME Circulars dt. 20.09.2016 enclosed. Start-ups & MSME firm should submit past 5 years order copies & performance certificates for similar equipments supplied. (Circular Enclosed)
2	The bidders/ firms identifying as MSME and or start-up firms are exempted from fulfilling criteria at Sr. No. 2 (a) and 2 (b) of section-IX (Qualification Criteria) . However, this does not exempted any bidder /firm/manufacturer from fulfilling the quality requirements.	Point Deleted
3	New Point Added	Format for registration of Bidders from countries which share land borders with India enclosed

Technical Amendment:

Item No: 15

Name of Item: Microtome Semi Automated

Spec. Sr. No.	Existing As	Amended As
2	Setting values: 0.5 to 5 micron in 0.5 micron increments. 5 to 20 micron in 1 micron increment. 20 to 60micron in 5 micron increment. 60 to 100 in 10 micron increment	Setting values: 0.5 to 5 micron in 0.5 micron increments. 5 to 20 micron in 1 micron increment. 20 to 60micron in 5 micron increment. 60 to 100 in 10 micron increment Range may be considered as secondary feature
4	Coarse feed : Motorised coarse feed in two steps i.e 300 micron /sec and 900 micron/sec.	Coarse feed : Motorised coarse feed in two steps i.e 300 micron /sec and 900 micron/sec or Continuous mode
7	Trimming Section thickness : 1 to 600 micron	“Trimming Section thickness: 1 to 500 micron
	New Point Added	System should be USFDA/European CE with four digit notified body number /BIS

All other Specifications shall remain unchanged

Item No: 16

Name of Item: Automatic Karyotyping & Fish Station

Spec. Sr. No.	Tender Specification	Decision of Technical Experts
1	Microscope Stand: Microscope stand with LED light intensity indicator, 12V100watt Halogen lamp, at least 8 Position Fluorescence filter turret, built in blue & ND filters.	Microscope Stand: Microscope stand with LED light intensity indicator, 12V, 100watt Halogen lamp/ 14 watts LED light source. At least 6/ 8 Position Fluorescence filter turret, built in blue & ND filters in case of halogen light only.
	Softwares for Cytogenetics Applications-	
15	FISH Software–Automated Multi-layer Imaging Automatic Image exposure and enhancement, together with the auto-conversion of image sequences at various focal planes (3D Z-Stacking) . Automatic background, contrast, brightness and sharpness adjustments, to enable optimal display of the faintest signals in a few seconds. Ability for full karyotyping support with unique band enhancement and signal sharpening. Integrated quantitative signal and objective analysis module. Cell or object segmentation, followed by morphology and intensity analysis to extract the exact data required	FISH Software–Automated Multi-layer Imaging Automatic Image exposure and enhancement, Automatic background, contrast, brightness and sharpness adjustments, to enable optimal display of the faintest signals in a few seconds. Ability for full karyotyping support with unique band enhancement and signal sharpening. Integrated quantitative signal and objective analysis module. Intensity analysis to extract the exact data required
16.	mCounter–Counting by intuitive use of the mouse and keyboard replaces existing lab counters and enables to easily spot count for numerical changes, or classify cells according to their signal pattern, instantly providing statistics for customized reports.	mCounter or similar functionality in the software – Counting by intuitive use of the mouse and keyboard replaces existing lab counters and enables to easily spot count for numerical changes, or classify cells according to their signal pattern, instantly providing statistics for customized reports
17	Workstation- Compatible latest branded computer with at least 4GB RAM, 1TB HDD, Quad Core/ latest highspeed processor, 22inch TFT /LCD screen, Color Laser printer, Compatible online UPS with 30 minutes backup to support the entire system.	Workstation- Compatible latest branded computer with at least 8GB RAM, 1TB HDD. Quad Core/ latest high speed processor, 24 inch Monitor TFT /LCD screen, Color Laser printer, Compatible online UPS with 30 minutes backup to support the entire system.
18.	Metaphase finder to be provided. Suggestions: Before this upright microscope is installed, the basic infrastructure for cell culture and separation of chromosomes is mandatory. For that the following instruments are required. 1. Laminar flow, 2. Autoclave, 3. Magnetic stirrer, 4. Centrifuge with Max speed 5000 rpm, 5. Incubator, 6. Refrigerator, 7. Media and 8. Filters.	Before this upright microscope is installed, the basic infrastructure for cell culture and separation of chromosomes is mandatory. Deleted- For that the following instruments are required. 1. Laminar flow, 2. Autoclave, 3. Magnetic stirrer, 4. Centrifuge with Max speed 5000 rpm, 5. Incubator, 6. Refrigerator, 7. Media and 8. Filters. Third party items can be purchased separately. and are not part of this equipment.
	New Point Added	System should be USFDA/European CE with four digit notified body number /BIS

All other Specifications shall remain unchanged

Item No:17

Name of Item: Digital Slide Scanner with Digital Barcoding

Department: Lab.Medicine& Pathology Department

Spec. Sr. No.	Tender Specification	Decisions of Technical Experts
5.	Point No. 2: Sample throughout with loading capacity of minimum 350 or more glass slides	To be changed to Sample throughout with loading capacity of minimum 300 or more glass slides
6	Point No 6: Slide throughput - Should be a high-speed scanner with minimum throughput of 50 slides per hour for 15x15mm tissue sample at 20X objective	Can be changed to : “Should be a high speed scanner with minimum throughput of 50 slides per hour for 15x15mm tissue sample with 40X image ”
7	Point No 7 : Stat Access - Ability to prioritize slide scan to support Stat workflow	deleted
12	Point No 12 Light Source - LED light source should be provided with due consideration to its longevity, less power consumption with preference to “automatic switch on” while scanning.	Light Source - LED/ Xenon Flash light source should be provided with due consideration to its longevity, less power consumption with preference to “automatic switch on” while scanning.
16	Image Analysis Algorithm *Should have tune able algorithms for multiple parameters. *Should have US FDA/European CE/BIS approved Image Analysis algorithms for HER2 (4B5),PR (1E2), ER(SP1), p53 (DO-7) and Ki-67 (30-9).	Image Analysis Algorithm *Should have tune able algorithms for multiple parameters.
17	Training and Service Support - Well trained service and support team should be provided. Company should be well established and have a track record of expertise in the field.	Training and Service Support - Well trained service and support should be provided. Company should be well established and have a track record of expertise in the field.
	ADDITIONAL IMPORTANT POINTS TO BE ADDED IN THE EXISTING SPECIFICATIONS-	These points to be added <ol style="list-style-type: none"> 1. System should be provided with concurrent image viewing licenses for 5 persons. 2. System should be provided with Teleconference facility for 5 users 3. 40x Objective scanning. 4. System should be supplied with 100TB image storage System should have the provision for up-gradation for fluorescent scanning feature in future applications.
	New Point Added	System should be USFDA/European CE with four digit notified body number /BIS

All other Specifications shall remain unchanged

The bid submission date for **all above items** is extended form **05.10.2020 to 13.10.2020.**

Further, Amendments of Equipment under the Departments of Microbiology, Biochemistry, ENT, Ophthalmology, Anesthesia , Pediatric, Urology and Others (**all items**) are pending, their bid submission date is also extended form **05.10.2020 to 13.10.2020**

All other terms and conditions of the tender enquiry documents including Amendments issued so far shall remain unchanged.

Prospective bidders are advised to regularly visit HSCC website/CPPP Website for the Corrigendum/amendments etc. if any, as these will be notified on these portals only. No separate advertisement will published in the newspaper in this regard.

**CGM (PROC.)
HSCC (I) LTD.**

No.P-45021/112/2020-PP(BE-II)(E-43780)
Government of India
Ministry of Commerce and Industry
Department for Promotion of Industry and Internal Trade
(Public Procurement Section)

Udyog Bhawan, New Delhi
Dated August 24, 2020

OFFICE MEMORANDUM

Subject: Format for registration of bidders from countries which shares land border with India – regarding

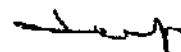
The undersigned is directed to refer Department of Expenditure Order (Public Procurement No. 1) dated 23.07.2020 mandating that bidders having beneficial ownership in countries which share land border with India will be eligible to bid in public procurement, only if they are registered with the competent authority. Accordingly, the bidders, who have beneficial ownership in countries which share land border with India and intend to participate in public procurement in India, may submit application for "Registration" in the format enclosed as Appendix "A". Bidders are also required to submit application for "Security Clearance" in the format enclosed as Appendix "B". Complete application containing both "Registration" and "Security Clearance" formats, duly filled in, may be submitted in the Office of Joint Secretary (MKN), DPIIT, Room No. 236A, Udyog Bhawan, New Delhi.

2. The validity period of the registration shall be 12 months from the date of issue of registration letter. However, in case of appointment of new Director(s)/ new shareholders with more than 10% shares/ change in controlling ownership interest or control through other means, the registration shall stand cancelled. In such cases, bidders will be required to apply for a fresh registration. The list of bidders who have been registered with competent authority shall be displayed on the website of DPIIT.

3. The registration granted by this Department shall be only for the purpose of bid participation under Rule 144(xi) of General Financial Rules, 2017.

4. This issues with the approval of competent authority.

Encl: As above



(D.V.S.P. Varma)
Under Secretary to Govt. of India
Email: dvsp.varma@nic.in

To

1. All Ministries/ Departments of Government of India
2. All Industry Associations

Appendix-A

Format for bidder registration under Rule 144(xi) of GFR

<p>Name of Bidder - as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020</p>	
<p>Type of business entity (Natural Person/ Private Limited Company/ Public Limited Company/ Sole Proprietorship/ One Person Company/ Partnership firm/ Limited Liability Partnership/ Joint Venture/ Trust/ NGO/or any other type of entity) In case of incorporated entity - to attach certificate of incorporation.</p>	
<p>Beneficial owners - as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 Details of all beneficial owners having ownership more than that prescribed in Para 9 of Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 may be furnished in the format as given in Annexure -I duly certified by practicing Chartered Account in India.</p>	
<p>Complete address of the Registered Office with contact person name, telephone number and email Id.</p>	
<p>Whether registration is being sought as</p> <p>a. Manufacturer/ service provider/ contractor for supply of goods/ services / works</p> <p>or</p> <p>b. As an agent/reseller/distributor/member of consortium/ Branch Office/ Office Controlled by bidder/any subsidy of any artificial juridical person/ any other type of category)</p>	

<p>Bidder to give details in which category registration is being sought.</p>	
<p>In case registration is being sought as an agent/reseller/distributor/Office controlled by bidder/ any other subsidiary of any artificial juridical person /any other category other than manufacturers , service provider and contractor of above - the details of manufacturer/ service provider/ contractor may be furnished in Annexure-II.</p>	
<p>The details of items (goods/ services / works) for which registration is sought as per Annexure -III</p>	
<p>Financial details in INR/ US Dollar for last five financial years as per Annexure -IV duly certified by practicing Chartered Account in India.</p>	

Note: The terminology "Works" in the entire document means "Works including turnkey works/ projects". Similarly, the terminology "Services" means "Consultancy as well as non-consultancy services".

Annexure-II

Details of manufacturer/ service provider/ contractor

<p>Name of manufacturer/ service provider/ contractor</p>	
<p>Type of business entity (Natural Person/ Private Limited Company/ Public Limited Company/ Sole Proprietorship/ One Person Company/ Partnership firm/ Limited Liability Partnership/ Joint Venture/ Trust/ NGO/or any other type of entity) In case of incorporated entity - to attach certificate of incorporation.</p>	
<p>Beneficial owners - as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 Details of all beneficial owners having ownership more than that prescribed in Para 9 of Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 may be furnished in the format as given in Annexure -I duly certified by practicing Chartered Account in India.</p>	
<p>Complete address of the Registered Office of manufacturer/ service provider/ contractor with contact person name, telephone number and email Id.</p>	
<p>In case of manufacturer, complete address of the manufacturing premises with name, telephone number and email Id of contact person.</p>	
<p>In case of service provider/ contractor, complete address of the premises from where services are provided may be given with name, telephone number and email Id of contact person.</p>	
<p>The details of items (goods/ services / works) for which registration is sought as per Annexure -III</p>	
<p>Financial details in INR/USD for last five financial years as per Annexure -IV duly certified by practicing Chartered Account in India.</p>	

Annexure-III

Details of item (goods/ services / works) for which registration is sought

Description of items (goods/ services / works) for which registration is being sought.	
Broad technical specification parameters/ details of items	
Annual Capacity of bidder for each of the goods/ services / works for which registration is being sought.	
Major public procuring entities in India for these items	
Details of contracts received in last 05 years for these items from public procuring entities in India in the format given in Annexure-V	
Details of contracts received in last 05 years for these item from private sector in India in the format given in Annexure-VI	
Details of outsourced components/goods and subcontracted works and services proposed to be used in execution of contract may be provided in the format given in Annexure –VII.	

Note:-

1. Bidder can seek registration for multiple items in an application by providing requisite details for each of the item for which registration is being sought.
2. Registration will be valid for a period of one year from the date of issue.
3. If there is change in the beneficial ownership of the bidder/ manufacturer/ contractor/service provider – this registration shall automatically stand annulled. Fresh registration need to be filed in such cases.

Annexure-IV

Financial details in INR/ US Dollar for last five financial years duly certified by practicing Chartered Account in India.

Financial year (FY)	Net Sales turnover during the FY	Net Profit during the FY	Net worth at the end of the FY

Annexure-V

Details of contracts received in last 05 years from public procuring entities in India

Sr. No.	Description of goods/ services / works with broad technical parameters	Procuring entity details – Name and complete address of the Organization.	Purchase Order Qty and value	Status of the Order Executed successfully/ under execution/ cancelled

Note: The details are required to be furnished only for those goods/ services / works for which registration is being sought.

Annexure-VI

Details of contracts received in last 05 years from private sector in India

Sr. No.	Description of goods/ services / works with broad technical parameters	Procuring entity details – Name and complete address of the Organization.	Purchase Order Qty and value	Status of the Order – Executed successfully/ under execution/ cancelled

Note: The details are required to be furnished only for those goods/ services / works for which registration is being sought.

Annexure-VII

Details of outsourced components/goods and subcontracted works and services proposed to be used in execution of contract

Sr. No.	Details of outsourced components/goods and subcontracted works and services	Major technical parameters	Manufactured by /Subcontracted to	Country of Origin

***The details are required to be furnished for top 20 high value outsourced components/goods and subcontracted works and services.**

Proforma for application for security clearance for registration of bidders from countries which share land border with India

I. Details in respect of bidding company / person:

Sl. No.	Name of the company / person	Type of company (Pvt. Ltd. / Pub. Ltd. / sole proprietorship / one person company / partnership / LLP / JV / Trust / NGO etc.)	Country of registration in case of company / nationality (if holding multiple nationality, all must be mentioned) in case of person	Registration number with date in case of company / passport nos. and issue date in case of person	Registered office address and correspondence address in case of company / Contact Address in case of person	Previous name of the company, if any	Details of earlier registration, if any (ref. no. & date)

ii. Details of beneficial ownership of entity:

Sl. No.	Name of the company/individuals which/who are the beneficial owner of bidding company	Country of registration, registration number with date in case beneficial owner is a company / nationality, passport nos. and issue date (if holding multiple nationality, all must be mentioned) in case beneficial owner is an individual	Registered office address in case of company and correspondence address / contact address in case of individual	Details of intermediary company(s) / persons between bidder company or person and beneficial owner company / individual	Enclose a chart depicting the link between bidding company / person and the beneficial company / owners along with details such as address, parentage, passport details (in case of individuals) or company registration details (in case of companies)

III. Details in respect of Directors of bidding company:

Sl. No.	Full Name of Board of Directors	Present position held with date (since when)	Date of birth	Parentage (name of father / mother)	Present & Permanent Address	Nationality (if holding multiple nationality, all must be mentioned)	Passport Nos. and issue date, if any	Contact Address & telephone number

IV. Details of shareholders of bidding company (all companies/entities/individuals with more than 10% shares or having controlling ownership interest or exercising control through other means in case of less than 10% shares):

Sl. No.	Full Name of individual / company	Parentage (name of father / mother) in case of individuals, and registration number in case of companies	Permanent address / present address in case of individuals, and registered and correspondence address in case of companies	Present position held, in any, in the applicant company	Nationality, in case of individual (if holding multiple nationality, all must be mentioned) / country of registration, in case of company	Passport Nos. and date of issue, if any (date of birth, in case passport is not available) for individuals	% of shares held in the company

V. Details of tender(s) and specific goods / services / works proposed to be supplied:

VI. Reasons for seeking registration with Registration Committee of DPIIT: A brief note be attached

VII. Details of nature of activities undertaken by bidding company / person: A brief note be attached.

VIII. Details of nature of activities undertaken by beneficial owner of bidding company / person: A brief note be attached.

IX. Details of criminal cases, if any, against the bidding company, its director(s) or person as per annexure

Self-declaration for bidding company and its director(s) / owners or person

- a. Name & address and registration number of the company :

- b. Name and address of owners (in case of proprietorship firm) / directors of the company / person :
 - 1. _____
 - 2. _____
 - 3. _____
 - 4. _____

- c. Are the company owners (in case of proprietorship firm) / directors / person listed above, are the subject of any?
 - 1. Preventive detention proceedings under Public Safety Act / National Security Act etc. : Yes / No
 - 2. Criminal investigation in which chargesheet has been filed : Yes / No

- d. If, Yes, please provide following details
 - 1. Case / FIR number :
 - 2. Detention / warrant number, if any, :
 - 3. Police station / district / agency :
 - 4. Sections of law under which case(s) has / have been filed :
 - 5. Name and place of the court :

- e. The above mentioned details are in respect of both India and any other foreign country.

(Signature)

Note: The above self-declaration is required to be filled and signed by the authorized signatory of the company.

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block,
New Delhi
24th July, 2020

Order (Public Procurement No. 3)

Subject: Clarification to Order (Public Procurement No.1) dated 23rd July 2020

Attention is invited to paragraph 3(b) of the Order (Public Procurement No.1), under the heading "Transitional provisions" which reads as follows:

- b) *If the tendering process has crossed the first exclusionary qualificatory stage: If the qualified bidders include bidders from such countries, the entire process shall be scrapped and initiated *de novo*. The *de novo* process shall adhere to the conditions prescribed in this Order.*

It is hereby clarified that for the purpose of paragraph 3 (b), "qualified bidders" means only those bidders who would otherwise have been qualified for award of the tender after considering all factors including price, if Order (Public Procurement No. 1) dated 23rd July 2020 had not been issued.

2. If bidders from such countries would not have qualified for award for reasons unconnected with the said Order (for example, because they do not meet tender criteria or their price bid is higher or because of the provisions of purchase preference under any other order or rule or any other reason) then there is no need to scrap the tender / start the process de novo.
3. The following examples are given to assist in implementation of the Order.

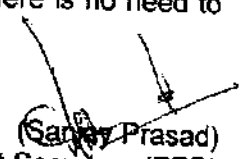
Example 1: Four bids are received in a tender. One of them is from a country which shares a land border with India. The bidder from such country is found to be qualified technically by meeting all prescribed criteria and is also the lowest bidder. In this case, the bidder is qualified for award of the tender, except for the provisions of the Order (Public Procurement No. 1) dated 23rd July. In this case, the tender should be scrapped and fresh tender initiated.

Example 2: The facts are as in Example 1, but the bidder from such country, though technically qualified is not the lowest because there are other technically qualified bidders whose price is lower. Hence the bidder from such country would not be

qualified for award of the tender irrespective of the Order (Public Procurement No. 1) dated 23rd July 2020. In such a case, there is no need to scrap the tender.

Example 3: The facts are as in Example 1, but the bidder from a country which shares a land border with India, though technically qualified, is not eligible for award due to the application of price preference as per other orders/ rules. In such a case, there is no need to scrap the tender.

Example 4: Three bids are received in a tender. One of them is a bidder from a country sharing a land border with India. The bidder from such a country does not meet the technical requirements and hence is not qualified. There is no need to scrap the tender.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform the clarification to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately circulate this clarification among Public Enterprises.
- (3) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block
New Delhi
23rd July, 2020


Order (Public Procurement No. 2)

Subject: Exclusion from restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 –regarding.

In Order (Public Procurement No. 1) dated 23rd July 2020, orders have been issued requiring registration of bidders from a country sharing a land border with India in order to be eligible to bid in public procurement.

2. Notwithstanding anything contained therein, it is hereby clarified that the said Order will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects.

3. Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.



(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division


161, North Block,
New Delhi
23rd July, 2020

Office Memorandum

Subject: Insertion of Rule 144 (xi) in the General Financial Rules (GFRs), 2017

Rule*144 of the General Financial Rules 2017 entitled 'Fundamental principles of public buying', has been amended by inserting sub-rule (xi) as under:

Notwithstanding anything contained in these Rules, Department of Expenditure may, by order in writing, impose restrictions, including prior registration and/or screening, on procurement from bidders from a country or countries, or a class of countries, on grounds of defence of India, or matters directly or indirectly related thereto including national security; no procurement shall be made in violation of such restrictions.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,
(1) Secretaries of All Ministries/ Departments of Government of India
(2) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block,
New Delhi
23rd July, 2020

Order (Public Procurement No. 1)

Subject: Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017

Attention is invited to this office OM no. 6/18/2019-PPD dated 23rd July 2020 inserting Rule 144 (xi) in GFRs 2017. In this regard, the following is hereby ordered under Rule 144 (xi) on the grounds stated therein:

Requirement of registration

1. Any bidder from a country which shares a land border with India will be eligible to bid in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority, specified in Annex I.
2. This Order shall not apply to (i) cases where orders have been placed or contract has been concluded or letter/notice of award/ acceptance (LoA) has been issued on or before the date of this order; and (ii) cases falling under Annex II.

Transitional cases

3. Tenders where no contract has been concluded or no LoA has been issued so far shall be handled in the following manner: -
 - a) *In tenders which are yet to be opened, or where evaluation of technical bid or the first exclusionary qualificatory stage (i.e. the first stage at which the qualifications of tenderers are evaluated and unqualified bidders are excluded) has not been completed:* No contracts shall be placed on bidders from such countries. Tenders received from bidders from such countries shall be dealt with as if they are non-compliant with the tender conditions and the tender shall be processed accordingly.
 - b) *If the tendering process has crossed the first exclusionary qualificatory stage:* If the qualified bidders include bidders from such countries, the

entire process shall be scrapped and initiated *de novo*. The *de novo* process shall adhere to the conditions prescribed in this Order.

- c) As far as practicable, and in cases of doubt about whether a bidder falls under paragraph 1, a certificate shall be obtained from the bidder whose bid is proposed to be considered or accepted, in terms of paras 8, 9 and 10 read with para 1 of this Order.

Incorporation in tender conditions

4. In tenders to be issued after the date of this order, the provisions of paragraph 1 and of other relevant provisions of this Order shall be incorporated in the tender conditions.

Applicability

5. Apart from Ministries / Departments, attached and subordinate bodies, notwithstanding anything contained in Rule 1 of the GFRs 2017, this Order shall also be applicable
 - a. to all Autonomous Bodies;
 - b. to public sector banks and public sector financial institutions; and
 - c. subject to any orders of the Department of Public Enterprises, to all Central Public Sector Enterprises; and
 - d. to procurement in Public Private Partnership projects receiving financial support from the Government or public sector enterprises/ undertakings.
 - e. Union Territories, National Capital Territory of Delhi and all agencies/ undertakings thereof

Definitions

6. "Bidder" for the purpose of this Order (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
7. "Tender" for the purpose of this Order will include other forms of procurement, except where the context requires otherwise.
8. "Bidder from a country which shares a land border with India" for the purpose of this Order means

- a) An entity incorporated, established or registered in such a country; or
- b) A subsidiary of an entity incorporated, established or registered in such a country; or
- c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d) An entity whose *beneficial owner* is situated in such a country; or
- e) An Indian (or other) agent of such an entity; or
- f) A natural person who is a citizen of such a country; or
- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

9. "Beneficial owner" for the purpose of paragraph 8 above will be as under:

- (i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a controlling ownership interest or who exercises control through other means.

Explanation—

- a. "Controlling ownership interest" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
- b. "Control" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;

- (ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

- (iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;

- (iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

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(v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

10. "Agent" for the purpose of this Order is a person employed to do any act for another, or to represent another in dealings with third persons.

Sub-contracting in works contracts

11. In works contracts, including turnkey contracts, contractors shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority. The definition of "contractor from a country which shares a land border with India" shall be as in paragraph 8 above. This shall not apply to sub-contracts already awarded on or before the date of this Order.

Certificate regarding compliance

12. A certificate shall be taken from bidders in the tender documents regarding their compliance with this Order. If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for immediate termination and further legal action in accordance with law.

Validity of registration

13. In respect of tenders, registration should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance / placement of order, registration shall not be a relevant consideration during contract execution.


Government E-Marketplace

14. The Government E-Marketplace shall, as soon as possible, require all vendors/ bidders registered with GeM to give a certificate regarding compliance with this Order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/ until they are registered in accordance with this Order.

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Model Clauses/ Certificates

15. Model Clauses and Model Certificates which may be inserted in tenders / obtained from Bidders are enclosed as Annex III. While adhering to the substance of the Order, procuring entities are free to appropriately modify the wording of these clauses based on their past experience, local needs etc. without making any reference to this Department.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Secretary DPIIT with a request to initiate action as provided under Annex I
- (4) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

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Annex I: Competent Authority and Procedure for Registration

- A. The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT)*.
- B. The Registration Committee shall have the following members*:
- i. An officer, not below the rank of Joint Secretary, designated for this purpose by DPIIT, who shall be the Chairman;
 - ii. Officers (ordinarily not below the rank of Joint Secretary) representing the Ministry of Home Affairs, Ministry of External Affairs, and of those Departments whose sectors are covered by applications under consideration;
 - iii. Any other officer whose presence is deemed necessary by the Chairman of the Committee.
- C. DPIIT shall lay down the method of application, format etc. for such bidders as stated in para 1 of this Order.
- D. On receipt of an application seeking registration from a bidder from a country covered by para 1 of this Order, the Competent Authority shall first seek political and security clearances from the Ministry of External Affairs and Ministry of Home Affairs, as per guidelines issued from time to time. Registration shall not be given unless political and security clearance have both been received.
- E. The Ministry of External Affairs and Ministry of Home Affairs may issue guidelines for internal use regarding the procedure for scrutiny of such applications by them.
- F. The decision of the Competent Authority, to register such bidder may be for all kinds of tenders or for a specified type(s) of goods or services, and may be for a specified or unspecified duration of time, as deemed fit. The decision of the Competent Authority shall be final.
- G. Registration shall not be granted unless the representatives of the Ministries of Home Affairs and External Affairs on the Committee concur*.
- H. Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.

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- I. The Competent Authority is empowered to cancel the registration already granted if it determines that there is sufficient cause. Such cancellation by itself, however, will not affect the execution of contracts already awarded. Pending cancellation, it may also suspend the registration of a bidder, and the bidder shall not be eligible to bid in any further tenders during the period of suspension.
- J. For national security reasons, the Competent Authority shall not be required to give reasons for rejection / cancellation of registration of a bidder.
- K. In transitional cases falling under para 3 of this Order, where it is felt that it will not be practicable to exclude bidders from a country which shares a land border with India, a reference seeking permission to consider such bidders shall be made by the procuring entity to the Competent Authority, giving full information and detailed reasons. The Competent Authority shall decide whether such bidders may be considered, and if so shall follow the procedure laid down in the above paras.
- L. Periodic reports on the acceptance/ refusal of registration during the preceding period may be required to be sent to the Cabinet Secretariat. Details will be issued separately in due course by DPIIT.

[*Note:

- i. In respect of application of this Order to procurement by/ under State Governments, all functions assigned to DPIIT shall be carried out by the State Government concerned through a specific department or authority designated by it. The composition of the Registration Committee shall be as decided by the State Government and paragraph G above shall not apply. However, the requirement of **political and security clearance as per para D shall remain and no registration shall be granted without such clearance.**
- ii. Registration granted by State Governments shall be valid only for procurement by the State Government and its agencies/ public enterprises etc. and shall not be valid for procurement in other states or by the Government of India and their agencies/ public enterprises etc.]

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Annex II: Special Cases

- A. Till 31st December 2020, procurement of medical supplies directly related to containment of the Covid-19 pandemic shall be exempt from the provisions of this Order.
- B. *Bona fide* procurements made through GeM without knowing the country of the bidder till the date fixed by GeM for this purpose, shall not be invalidated by this Order.
- C. *Bona fide* small procurements, made without knowing the country of the bidder, shall not be invalidated by this Order.
- D. In projects which receive international funding with the approval of the Department of Economic Affairs (DEA), Ministry of Finance, the procurement guidelines applicable to the project shall normally be followed, notwithstanding anything contained in this Order and without reference to the Competent Authority. Exceptions to this shall be decided in consultation with DEA.
- E. This Order shall not apply to procurement by Indian missions and by offices of government agencies/ undertakings located outside India.

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Annex III

Model Clause /Certificate to be inserted in tenders etc.

(While adhering to the substance of the Order, procuring entities and GeM are free to appropriately modify the wording of the clause/ certificate based on their past experience, local needs etc.)

Model Clauses for Tenders

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.
- II. "Bidder" (including the term 'tenderer', 'consultant' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.
- III. "Bidder from a country which shares a land border with India" for the purpose of this Order means: -
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose *beneficial owner* is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above
- IV. The *beneficial owner* for the purpose of (iii) above will be as under:
 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation—

 - a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;

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- b. "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. *[To be inserted in tenders for Works contracts, including Turnkey contracts]* The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

Model Certificate for Tenders (for transitional cases as stated in para 3 of this Order)

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I hereby certify that this bidder is not from such a country and is eligible to be considered."

Model Certificate for Tenders

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the

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Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for Tenders for Works involving possibility of sub-contracting

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for GeM:

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this vendor/ bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this vendor/ bidder fulfills all requirements in this regard and is eligible to be considered for procurement on GeM. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

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No.DPE/7(4)/2017-Fin.
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

Public Enterprises Bhawan
Block No.14, CGO Complex
Lodhi Road, New
Delhi-110003

Dated 8th November, 2016

OFFICE MEMORANDUM

Subject: - Relaxation of Norms for Startups Medium Enterprises in Public Procurement Regarding Prior Experience-Prior Turnover criteria-reg.

The undersigned is directed to enclose herewith a copy of the O.M No F.20/2/2014-PPD(pt.) dated 20th September, 2016 along with a copy of OM bearing the same number dated 25th July, 2016 (with enclosure) on the above subject issued by Ministry of Finance, Department of Expenditure (Procurement Policy Division). All Ministries/Departments concerned are advised to direct their CPSEs to follow the directions mentioned therein for implementation.

2. This issues with the approval of Secretary, DPE.

Kalyani Mishra

(Kalyani Mishra)
Director
Tel.24362061

Encl: As above

1. All Secretaries of Administrative Ministries/Departments
2. All CMD of CPSEs
3. Ministry of Finance, Department of Expenditure w.r.t. Letter No. F.20/2/2014-PPD (Pt.) dated 20th September,2016
4. Sr. Director NIC with a request to up load in-office website of DPE

No.F.20/2/2014-PPD(Pt.)
Ministry of Finance
Department of Expenditure
Procurement Policy Division

516, Lok Nayak Bhawan, New Delhi
Dated the 20th September, 2016

OFFICE MEMORANDUM

Subject: Relaxation of Norms for Startups Medium Enterprises in Public Procurement regarding Prior Experience - Prior Turnover criteria.

The undersigned is directed to refer to this Department O.M. of even number dated 25th July, 2016, wherein it was clarified that all Central Ministries/ Departments may relax condition of prior turnover and prior experience in public procurement to all Start-ups [whether Micro & Small Enterprises (MSEs) or otherwise] subject to meeting of quality and technical specifications in accordance with the relevant provisions of GFR, 2005.

2. A doubt has arisen if it makes optional for Central Ministries/ Departments to relax condition of prior experience and prior turnover in public procurement to Startups. In this regard, it is again clarified that normally for all public procurement, the Central Ministries/ Departments have to ensure that criteria of prior turnover and prior experience for all Startups is relaxed subject to their meeting of quality and technical specifications.

3. However, there may be circumstances (like procurement of items related to public safety, health, critical security operations and equipments, etc.) where procuring entities may prefer the vendors to have prior experience rather than giving orders to new entities. For such procurements, wherever adequate justification exists, the procuring entities may not relax the criteria of prior experience/ turnover for the Startups.

4. This issues with the approval of Finance Secretary.

(Vinayak T. Likhkar)
Under Secretary (PPD)
Tel/Fax – 24621305

E-mail – vinayak.likhar@nic.in

To

The Secretaries of all Central Government Ministries/ Departments.

Copy to: -

- (i) Financial Advisors of all Central Government Ministries/ Departments.
- (ii) The Secretary, Department of Public Enterprises, Room No.305, Block No.14, CGO Complex, New Delhi-110 003 with a request to issue appropriate instructions to Central Public Sector Undertakings (CPSUs) to implement #5 of "Action Plan for Startup India".

No.F.20/2/2014-PPD(Pt.)
Ministry of Finance
Department of Expenditure
Procurement Policy Division

516, Lok Nayak Bhawan, New Delhi
Dated the 25th July, 2016

OFFICE MEMORANDUM

Subject:- Relaxation of Norms for Startups Medium Enterprises in Public Procurement regarding Prior Experience - Prior Turnover criteria.

The Government of India has announced 'Startup India' initiative for creating a conducive ecosystem for the growth of Startups in India. The Startups are defined in **Annexure-A** of the "Action Plan for Startups India". The same is available on the website of Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce & Industry.

2. Ministry of Micro, Small & Medium Enterprises (MSMEs) vide Policy Circular No. 1(2)(1)/2016-MA dated 10th March, 2016 has clarified that all Central Ministries / Departments / Central Public Sector Undertakings (CPSUs) may relax condition of prior turnover and prior experience with respect of Micro & Small Enterprises (MSEs) in all public procurements subject to meeting of quality and technical specifications.

3. As per Rule 160(i)(a) of GFR, 2005, there is already a provision that the bidding document should contain criteria for eligibility and qualification to be met by the bidders such as minimum level of experience, past performance, technical capability, manufacturing facilities and financial position etc. In view of above, it is further clarified that all Central Ministries / Departments may relax condition of prior turnover and prior experience in public procurement to all Startups (whether MSEs or otherwise) subject to meeting of quality and technical specifications in accordance with the relevant provisions of GFR, 2005.

(Vinayak T. Likhkar)
Under Secretary to the Govt. of India
Tel/Fax – 24621305
E-mail – vinayak.likhar@nic.in

To

The Secretaries of all Central Government Ministries/ Departments.

Copy to: -

Financial Advisors of all Central Government Ministries/ Departments.

विकास आयुक्त का कार्यालय
(सूक्ष्म, लघु और मध्यम उद्यम)
सूक्ष्म लघु और मध्यम उद्यम मंत्रालय
(भारत सरकार)

निर्माण भवन, सातवीं मंजिल, मौलाना आजाद रोड,
नई दिल्ली-110 108



OFFICE OF THE DEVELOPMENT COMMISSIONER
(MICRO, SMALL & MEDIUM ENTERPRISES)
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES
GOVERNMENT OF INDIA

Nirman Bhawan, 7th Floor, Maulana Azad Road,
New Delhi - 110 108

Ph.EPABX - 23063800, 23063802, 23063803 FAX - (91-11) 23062315, 23061726, 23061068. e-mail - dcmsmehq@nb.nic.in

F. No. 1(2)(1)/2014-MA Part

Dated the 10th March, 2016

OFFICE MEMORENDUM

Please find enclosed a Policy Circular of even no dated 10th March, 2016 relating to Relaxation of Norms for Startups and Micro & Small Enterprises in Public Procurement on Prior Experience – Prior Turnover criteria.

Publication Division is requested to take up the matter with Public Information Bureau to place this Policy Circular on the public domain.

Encl : As above.

Yours faithfully,

(U. C. Shukla)
Director(MA)
Tele: 23063363

1. Shri Harish Anand, Director (Pub), O/o DC(MSME)
2. Shri S V Sharma, Director (SENET) with a request to up load in – office website.
3. Information Officer, PIB, Room No 704A Shastri Bhawan, New Delhi.

Government of India
Ministry of Micro, Small & Medium Enterprises
O/o the Development Commissioner (MSME)
Nirman Bhavan, A-Wing, 7th Floor
Maulana Azad Road,
New Delhi-110108
Tel. 011-23061091
Fax No.011-23060536

Policy Circular No. 1(2)(1)/2016-MA


Dt. 10th March 2016

To

All Central Ministries/Departments/CPSUs/All Concerned

Subject: Relaxation of Norms for Startups and Micro & Small Enterprises in Public Procurement on Prior Experience – Prior Turnover criteria.

- (1) The Government of India has notified Public Procurement Policy for Micro and Small Enterprises (MSEs) Order 2012 with effect from 1st April, 2012 and 20% procurement from Micro & Small Enterprises of the total procurement by Central Ministries/Departments/CPSUs has become mandatory with effect from 1st April, 2015.
- (2) The Government of India has announced 'Startup India' initiative for creating a conducive environment for Startups in India.
- (3) The Startups are normally Micro and Small Enterprises which may not have a track record. These will have technical capability to deliver the goods and services as per prescribed technical & quality specifications, and may not be able to meet the qualification criterion relating to prior experience-prior turnover.
- (4) In exercise of Para 16 of Public Procurement Policy for Micro and Small Enterprises Order 2012, it is clarified that all Central Ministries/Departments/ Central Public Sector Undertakings may relax condition of prior turnover and prior experience with respect to Micro and Small Enterprises in all public procurements subject to meeting of quality and technical specifications.
- (5) This issues with the approval of Union Minister of Micro, Small and Medium Enterprises.



(Surendra Nath Tripathi)

Additional Secretary & Development Commissioner-MSME
Ministry of Micro, Small & Medium Enterprises.