

F. No. 31/Fin. (Estb-III)/2017/ 230
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI 110002
CD No:- 012433322

Dated: 17/08/20

ENDORSEMENT

The copy of under mentioned paper is forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt of NCT of Delhi.
4. Commissioner M.C.D.(North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Guard File.
9. Sy. Analyst with the request to upload the same on Website of Finance Department and all the Departments are requested to download the same from Website of Finance Department (No hardcopy of enclosures will be dispatched to any Organisation/Deptt.)


(MANOJ KUMAR)
DY. SECRETARY-III (FINANCE)

List of paper forwarded

S. No.	Name of the Ministry/Deptt.	O.M. No. and Date	Subject
1.	Department of Expenditure, Ministry of Finance, GOI	No.F.6/18/2019-PPD, dated 24.07.2020	Clarification to Order (Public Procurement No.1) dated 23/07/2020

Email

csdelhi@nic.in

Clarification to Order (Public Procurement No. 1) dated 23rd July 2020**From :** K.NARAYANA REDDY <kn.reddy@gov.in>

Fri, Jul 24, 2020 04:42 PM

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

1 attachment

To : Shri Sudhanshu Pandey <secy-food@nic.in>, Barun Mitra <secy-jus@gov.in>, Shri Sailesh <secy-dpe@nic.in>, Ajay Sawhney <secretary@meity.gov.in>, Sanjay Agarwal <secy-agri@nic.in>, Secretary MoES <secretary@moes.gov.in>, chairman@isro.gov.in, chairman@dae.gov.in, Rajiv Gauba <cabinetsy@nic.in>, secretary-posts@indiapost.gov.in, Secretary DoF <fertsec@nic.in>, Anil Kumar Jain <secy.moc@nic.in>, csoffice <csoffice@nic.in>, Leena Nandan <secy-ca@nic.in>, Shri Anand Kumar <secy-culture@nic.in>, DEFENCE SECRETARY <defsecy@nic.in>, Raj Kumar <sdpns@nic.in>, Shri RaviKant <secyesw@nic.in>, secydoner <secydoner@nic.in>, Parameswaran Iyer <secydws@nic.in>, Director(FSO), MEA <dirfs@mea.gov.in>, Secretary DIPAM <secydivest@nic.in>, Mr Tarun Bajaj <secy-dea@nic.in>, Secretary FS <secy-fs@nic.in>, Ajay Bhushan Pandey <rsecy@nic.in>, Secretary MoFPI <secy.mofpi@nic.in>, RAJESH KOTECHA <secy-ayush@nic.in>, Ms Preeti Sudan <secyhfw@nic.in>, Soumya Swaminathan <soumya.s@nic.in>, Girish Shankar <gshankar@nic.in>, Sanjeeva Kumar <secybm@nic.in>, Ajay Kumar Bhalla <hshso@nic.in>, G V V Sarma <secretary@ndma.gov.in>, Secy-ol. <secy-ol@nic.in>, Secretary Iscs <secy-iscs@nic.in>, n chatterjee <secy-mhupa@nic.in>, Shri Amit Khare <secy.dhe@nic.in>, Amit Khare <secy.inb@nic.in>, Suresh <sureshchandra@nic.in>, Narayana Raju <gn.raju@nic.in>, A. K. Sharma <secretary-msme@nic.in>, Sushil Kumar <secy-mines@nic.in>, Pramod Kumar Das <secy-mma@nic.in>, Sh. Indu Shekhar Chaturvedi <secy-mnre@nic.in>, Secretary Power <secy-power@nic.in>, Shri Nagendra Nath Sinha <secyrd@nic.in>, K VijayRaghavan <vijay.dbt@nic.in>, DG CSIR <dgcsir@csir.res.in>, Praveen Kumar <secy-msde@nic.in>, Shakuntala Doley Gamlin <secretaryda-msje@nic.in>, R Subrahmanyam <secywel@nic.in>, PRAVIN SRIVASTAVA <secymospi@nic.in>, P.K. Tripathi <secy-steel@nic.in>, Secretary Textiles <secy-textiles@nic.in>, Secretary Tourism <sectour@nic.in>, Secretary Tribal Affairs <secy-tribal@nic.in>

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Cc : Shri Sanjay Prasad <js.pfc2.doe@gov.in>, Shri Sailesh <secy-dpe@nic.in>, Chief Secretary Andamans <cs-andaman@nic.in>, Shri. Dineshwar Sharma IPS <lk-admin@nic.in>, Shri Vijay Kumar Dev <csdelhi@nic.in>, Chief Secretary CS, Puducherry <cs.pon@nic.in>, admr-chd <admr-chd@nic.in>, cs-jandk <cs-jandk@nic.in>, ladakhdivcom@gmail.com, Praful Patel <administrator-dd@gov.in>

Sir/ Madam,

Please find attached Order dated 24.07.2020.

Thanks & Regards
K. Narayana Reddy,
Deputy Secretary,
Ministry of Finance,
Department of Expenditure,
Procurement Policy Division,
516, Lok Nayak Bhavan,
New Delhi.
Phone:-24621305
Mobile-9711347714



— **Procurement Order No. 3 dated 24.07.2020.pdf**
659 KB

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.

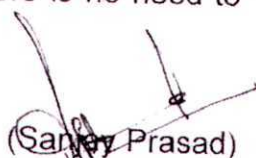
Example 1: Four bids are received in a tender. One of them is from a country which shares a land border with India. The bidder from such country is found to be qualified technically by meeting all prescribed criteria and is also the lowest bidder. In this case, the bidder is qualified for award of the 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