



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् Council of Scientific and Industrial Research

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फाइल सं. 13-4(99)/19-20/S&P/Policy

दिनांक 03.06.2020

प्रेषक/To

सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/एककों के निदेशक/प्रधान

The Directors/Heads of all CSIR National Labs/ Instts./Units

महोदय/महोदया Sir/Madam,

मुझे भारत सरकार के वित्त मंत्रालय के कार्यालय जापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रैषित करने का निर्देश हुआ है।

I am directed to forward herewith the following O.Ms. of Ministry of Finance for information, guidance and compliance.

क्र.सं. Sl. No.	कार्यालय जापन संख्या O.M. No.	विषय Subject
01.	(i) O.M. No. F. 12/17/2019-PPD dated 15 th May 2020 (ii) O.Ms. No. F. 12/17/2019-PPD dated 28 th May 2020	(i)Amendment of Rule 161(iv) of GFR pertaining to Global Tender Enquiry. (ii)Applicability and competent authority for relaxation
02.	O.M. No. F. 12/17/2019-PPD dated 12 th May 2020	se of National Regulations or Unational standards or Building Codes in case of Public Procurement in terms of Rule 144(iii) of GFR 2017
03.	O.M. No.F.18/4/2020-PPD dated 13 th May 2020	Force Majure Clause(FMC)

भवदीय/yours faithfully

विनय कुमार
(विनय कुमार) 03/06/2020

भण्डार एवं क्रय अधिकारी
Stores & Purchase Officer

संलग्न / Encl : यथोपरि/As above

प्रति /copy to

- आई.टी. प्रमुख, सी.एस.आई.आर. के वेबसाइट पर उपलब्ध करने हेतु.
Head, IT for publication on CSIR website
- कार्यालय प्रति/office copy

F.No.12/17/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

North Block, New Delhi
Dated the 15th May, 2020

Subject: Amendment in General Financial Rules (GFRs), 2017 – Global Tender Enquiry

In pursuance of Prime Minister's address to the Nation on 12.05.2020, in order to promote self reliance, Make in India and to promote Micro, Small and Medium Enterprises (MSMEs), it has been decided to make following amendments in the GFRs:

Present Rule 161(iv)	Amended Rule 161(iv)
Where the Ministry or Department feels that the goods of the required quality, specifications etc., may not be available in the country and it is necessary to also look for suitable competitive offers from abroad, the Ministry or Department may send copies of the tender notice to the Indian Embassies abroad as well as to the Foreign Embassies in India. The selection of the embassies will depend on the possibility of availability of the required goods in such countries. In such cases e-procurement as per Rule 160 may not be insisted.	<p>(a) Global Tender Enquiry (GTE): Where the Ministry or Department feels that the goods of the required quality, specifications etc., may not be available in the country and it is necessary to also look for suitable competitive offers from abroad, the Ministry or Department may send copies of the tender notice to the Indian Embassies abroad as well as to the Foreign Embassies in India. The selection of the embassies will depend on the possibility of availability of the required goods in such countries. In such cases e-procurement as per Rule 160 may not be insisted</p> <p>(b) No Global Tender Enquiry (GTE), however shall be invited for tenders up to Rs 200 crore or such limit as may be prescribed by the Department of Expenditure from time to time.</p>

	Provided that for tenders below such limit, in exceptional cases, where the Ministry or Department feels that there are special reasons for GTE, it may record its detailed justification and seek prior approval for relaxation to the above rule from the Competent Authority specified by the Department of Expenditure.
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2. Instructions regarding Competent Authority mentioned in Rule 161 (iv) (b) will be issued separately.



15.5.20

(Sanjay Aggarwal)
Director (PPD)
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011-23094961

To

1. Secretaries of all Ministries/ Departments, Govt of India
2. Mr Sailesh, Secretary, Department of Public Enterprises, Room no 301, Block 14, CGO complex, New Delhi. Tel: 24366171, email: secy-dpe@nic.in with a request to consider issuing similar instructions with respect to Central Public Sector Undertakings.

C/P - 02

No.F.12/17/2019-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

168c North Block, New Delhi,
Dated: 28th May, 2020.

Subject: Global Tender Enquiry (GTE).

Attention is invited to this office OM No. F.12/17/2019-PPD dated 15.05.2020 amending Rule 161(iv) of General Financial Rules (GFRs), 2017 and specifying that no GTE shall be invited for tenders up to Rs.200 crore. It was further stipulated that for tenders below 200 crore, where Ministry or Department feels that there are special reasons for GTE, it may record its detailed justification and seek prior approval for relaxation from the competent authority to be specified by Department of Expenditure (DoE).

2. The Secretary (Coordination), Cabinet Secretariat shall be the competent authority under Rule 161 (iv) (b) of GFR. Ministries/ Departments are advised to send only well reasoned proposals to Secretary (Coordination). Secretary (Coordination), if required, may consult Department of Expenditure, Administrative Ministry and any other Ministry/ Department as he deemed fit.

28.5.20

Sanjay Aggarwal
Director (PPD)
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011-23094961

To,

Secretaries of all Central Government Ministries/ Departments

CJP-01

No.F.12/17/2019-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

168c North Block, New Delhi,
Dated: 28th May, 2020.

Subject: Global Tender Enquiry (GTE).

Attention is invited to this office OM No. F.12/17/2019-PPD dated 15.05.2020 amending Rule 161(iv) of General Financial Rules (GFRs), 2017 and specifying that no GTE shall be invited for tenders up to Rs.200 crore. It is further clarified in this regard that:

- (i) Restriction on Global Tenders as specified in the revised Rule 161(iv) will be applicable on all procurements including Goods, Non-consulting services, Consultancy Services and Works including turnkey projects.
- (ii) The instructions are applicable with immediate effect i.e. for all the tenders published in newspapers or website after 15.05.2020.

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Sanjay Aggarwal
Director (PPD)
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To,

Secretaries of all Central Government Ministries/ Departments

(21)

F.No.12/17/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

North Block, New Delhi
Dated the 12th May, 2020

Office Memorandum

Subject: Use of National Regulations or National Standards or Building Codes in case of Public Procurement in terms of Rule 144(iii) of GFR 2017.

Attention is invited to the above Rule, which states that the National Technical Regulations or recognized National Standards or Building Codes needs to be specified in the public procurement, wherever such standards exists. The Rule also provides that wherever such standard exists, if a procuring entity intends to adopt any other technical specification, he shall have to record his reasons in writing for doing so.

2. It has come to the notice of this Department that even in cases where Indian Technical specifications exist; the procuring entities specify foreign Quality Certifications and Accreditations. It is reiterated that wherever Indian Technical specifications and Quality Certifications exists, the procuring entity should prescribe them. In those rare or exceptional cases where, despite the existence of Indian technical specifications, the procuring entity intends to specify foreign Technical Certifications and Accreditations, it must record its reasons in writing for adoption of such other technical specifications. Needless to say, this may also be subject to matter of audit.

3. This issues with the approval of Secretary (Expenditure).

12.5.20
(Sanjay Aggarwal)
Director (PPD)
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To

Secretaries of all Ministries/ Departments, Govt of India

(22)

No. F. 18/4/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

North Block, New Delhi
New Delhi dated the 13th May, 2020

OFFICE MEMORANDUM

Subject: Force Majeure Clause (FMC)

Attention is invited to Department of Expenditure's O.M. No. 18/4/2020-PPD dated 19th February, 2020 on the invocation of Force Majeure Clause (FMC). Vide the O.M., it was clarified that disruption of supply chains due to spread of Coronavirus will be covered under FMC which could be invoked, wherever considered appropriate, following the due procedure as stated in para 9.7.7. of the Manual on Procurement of Goods.

2. Subsequent to issuance of the above referred O.M., further disruptions have affected transportation, manufacturing and distribution of goods and services in the country. Limitations placed on the movement of men and material as per the guidelines issued by the Ministry of Home Affairs (MHA) under the Disaster Management Act, 2005 (DM Act 2005) and the respective State and UT governments from time to time have severely impaired the fulfilment of contractual obligations for supply of goods, works and consultancy services (including other services), and affected the volume of vehicular traffic.

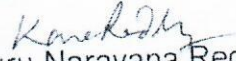
3. Attention in this regard is invited to para 9.7.7 of the "Manual for Procurement of Goods 2017", Para 6.4.2 of the "Manual for Procurement of Works 2019" and para 8.14.1 of the "Manual for Procurement of Consultancy and other Services 2017" issued by the Department of Expenditure. The above referred three Manuals recognize extraordinary events or circumstances beyond human control leading to delays in or non-fulfilment of contractual obligations. In a situation of such events happening, and after following due procedure, parties to the contract are allowed flexibility to invoke FMC following prescribed due procedure.

4. It is recognised that in view of the restrictions placed on the movement of goods, services and manpower on account of the lockdown situation prevailing overseas and in the country in terms of the guidelines issued by the MHA under the DM Act 2005 and the respective State and UT Governments, it may not be possible for the parties to the contract to fulfil contractual obligations. In respect of Public-private Partnership (PPP) concession contracts, a period of the contract may have become unremunerative. Therefore, after fulfilling due procedure and wherever applicable, parties to the contract may invoke FMC for all construction/works contracts, goods and services contracts and PPP contracts with Government Agencies and in such event, date for completion of contractual obligations which had to be completed on or after 20th February 2020 shall stand extended for a period not less than

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three months and not more than six months without imposition of any cost or penalty on the contractor/concessionaire. Concession period in PPP contracts ending on or after 20th February 2020 shall be extended by not less than three and not more than six months. The period of extension (between three and six months) may be decided based on the specific circumstances of the case and the period for which performance was affected by the *force majeure* events.

5. It is clarified that invocation of FMC would be held valid only in a situation where the parties to the contract were not in default of the contractual obligations as on 19th February, 2020. It is further clarified that invocation of FMC does not absolve all non-performances of a party to the contract, but only in respect of such non-performance as is attributable to a lockdown situation or restrictions imposed under any Act or executive order of the Government/s on account of COVID-19 global pandemic. It may be noted that, subject to above stated, all contractual obligations shall revive on completion of the period.


(Kotluru Narayana Reddy)
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To,
Secretaries of all Central Government Ministries/Departments