

सा./No.SP-13021/6/2022-S and P-CSIR HQ

29.04.2022

Dated _____

सेवा में / To,

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

The Directors of all CSIR Laboratories/Institutes/ Units of CSIR

Headquarters

**विषय:/Sub: CSIR guidelines on debarment of firms from bidding
and consequent substitution of section No. 3.7 of MPG-2019**

महोदया/ महोदय/ **Madam / Sir,**

Department of Expenditure/Ministry of Finance has issued guidelines on debarment of firms from bidding vide Office Memorandum No. F.1/20/2018-PPD dtd. 2nd November, 2021. It has been decided to adopt the same in CSIR *mutatis mutandis*. A copy of the guidelines so approved is enclosed.

2. Accordingly, entire Section 3.7 of MPG-2019 entitled "Grades of Debarment of Suppliers" is substituted with these guidelines. These guidelines are, however, generic in nature and hence, applies to all types of contracts.

3. It is intended to maintain a consolidated list of all debarred firms at one place in CSIR website for information of all. Accordingly, Labs./Institutes/ Units of CSIR Headquarters are requested to furnish the details currently debarred firms in the format enclosed. As and when any firm is debarred in future, their details may also be intimated in the same format by email at spo.hqrs@csir.res.in.



4. This issues in consultation with FA, CSIR and with the approval of DG, CSIR.

भवदीय/Yours faithfully,



(श्रीदेव नंदा/ Srideb Nanda)

नियंत्रक, भंडार एवं क्रय

Controller of Stores & Purchase

Encl: As above

प्रतिलिपि/Copy to :

1. Sr. PPS to the Director General, CSIR.
2. PS to the Joint Secretary (Admin.), CSIR
3. PS to JS & FA, CSIR
4. All Sr.CoSPs/ CoSPs/SPOs
5. All Sr.COFAs/COFAs/FAOs
6. All Sr. COAs/COAs/ AOs
7. Head IT – With a request to publish it on CSIR Website under Notifications
8. Office Copy

CSIR Guidelines on Debarment of Firms from Bidding

1. The Guidelines are classified under following two types:
 - (i) **Debarment across CSIR**- In cases where debarment is proposed to be limited to CSIR and its constituent Laboratories/ Institutes/ Hqrs./ Units of Hqrs., the appropriate Orders can be issued by the Laboratory/ Institute/ Hqrs./ Unit of Hqrs., thereby banning all its business dealing with the debarred firm in all the Laboratories/ Institutes/ Hqrs./ Units of Hqrs. of CSIR.
 - (ii) **Debarment across All Ministries/ Departments** - Where it is proposed to extend the debarment beyond the jurisdiction of CSIR i.e. covering to all central Ministries/ Departments, the requisite Orders shall be issued by Department of Expenditure (DoE), Ministry of Finance (MoF).

Definitions:

2. Firm: The term 'firm' or 'bidder' has the same meaning for the purpose of these Guidelines, which includes an individual or person, a company, a cooperative society, a Hindu Undivided Family and an association or body of persons, whether incorporated or not, engaged in trade or business.
3. Allied firm: All concerns which come within the sphere of effective influence of the debarred firms shall be treated as allied firms. In determining this, the following factors may be taken into consideration:
 - a. Whether the management is common.
 - b. Majority interest in the management is held by the partners or directors of banned/ suspended firm.
 - c. Substantial or majority shares are owned by the banned/ suspended firm and by virtue of this it has a controlling voice.
 - d. Directly or indirectly controls, or is controlled by or is under common control with another bidder.
 - e. All successor firms will also be considered as allied firms.
4. The terms "banning of firm", 'suspension', 'Black-Listing' etc. convey the same meaning as of "Debarment".

Debarment across CSIR

5. Orders for Debarment of a firm(s) shall be passed by the Laboratories/

Institutes/ Hqrs./ Units of Hqrs., keeping in view of the following:

- a. A bidder or any of its successors may be debarred from participating in any procurement process for a period not exceeding two years.
 - b. Firms will be debarred if it is determined that the bidder has breached the code of integrity as per Rule 175 of GFRs 2017.
 - c. A bidder can also be debarred for any actions or omissions by the bidder other than violation of code of integrity, which in the opinion of the the Laboratories/ Institutes/ Hqrs./ Units of Hqrs., warrants debarment, for the reasons like supply of sub-standard material, non-supply of material, abandonment of works, sub-standard quality of works, failure to abide "Bid Securing Declaration" etc.
 - d. It shall not be circulated to other Ministries/ Departments. It will only be applicable to all the Laboratories/ Institutes/ Hqrs./ Units of Hqrs.
 - e. The concerned Laboratory/ Institute/ Hqrs./ Unit of Hqrs. before issuing the debarment order against a firm must ensure that reasonable opportunity has been given to the concerned firm to represent against such debarment (including personal hearing, if requested by the firm).
 - f. Director in case of Laboratory/Institute or Head in case of the Unit of Hqrs. may nominate an officer not below the rank of Sr. Principal Scientist as the Competent Authority to debar the firms. In case of CSIR Hqrs., Joint Secretary (Admin) will be the Competent Authority to debar the firms.
 - g. The Laboratory/ Institute/ Hqrs./ Unit of Hqrs. that issued the order of debarment can also issue an Order for revocation of debarment before the period of debarment is over, if there is adequate justification for the same. Ordinarily, the revocation of the Order before expiry of debarred period should be done with the approval of Director General for CSIR, Hqrs. and Director of the concerned Laboratory/Institute/ Head of the Unit of Hqrs.
 - h. The Laboratories/ Institutes/ Hqrs./ Units of Hqrs. of CSIR will update the list of debarred firms on CSIR website. The link for the same will be available on CSIR website.
 - i. Debarment is an executive function and should not be allocated to Vigilance Department.
6. Code of Integrity as contained in Rule 175 of the GFRs is reproduced as under:

No official of a procuring entity or a bidder shall act in contravention of the codes

which includes

(i) Prohibition of

- a. Making offer, solicitation or acceptance of bribe, reward or gift or any material benefit, either directly or indirectly, in exchange for an unfair advantage in the procurement process or to otherwise influence the procurement process.*
- b. Any omission or misrepresentation that may mislead or attempt to mislead so that financial or other benefit may be obtained or an obligation avoided.*
- c. Any collusion, bid rigging or anti-competitive behavior that may impair the transparency, fairness and the progress of the procurement process.*
- d. Improper use of information provided by the procuring entity to the bidder with an intent to gain unfair advantage in the procurement process or for personal gain.*
- e. Any financial or business transactions between the bidder and any official of the procuring entity related to tender or execution process of contract; which can affect the decision of the procuring entity directly or indirectly.*
- f. Any coercion or any threat to impair or harm, directly or indirectly, any party or its property to influence the procurement process.*
- g. Obstruction of any investigation or auditing of a procurement process.*
- h. Making false declaration or providing false information for participation in a tender process or to secure a contract.*

(ii) Disclosure of conflict of interest.

(iii) Disclosure by the bidder of any previous transgressions made in respect of the provisions of sub-clause (i) with any entity in any country during the last three years or of being debarred by any other procuring entity.

7. It is possible that the firm may be debarred concurrently by more than one Laboratory/ Institute/ Hqrs./ Units of Hqrs. In such cases, the debarment will be effective till the latest date.
8. Similarly, Government e-Marketplace (GeM) can also debar bidders up to two years on its portal.
9. Revocation of the debarment orders before expiry of debarred period should be done only with the approval of Director General in case of CSIR Hqrs. and Director of the concerned Laboratories/ Institutes and Head of the Units of Hqrs.

Debarment across All Ministries/ Departments

10. Where a Laboratory/ Institute/ Hqrs./ Unit of Hqrs. of CSIR is of the view that business dealings with a particular firm should be banned across all the Ministries/ Departments by debarring the firm from taking part in any bidding procedure floated by the Central Government Ministries/ Departments, the Laboratory/Institute/Hqrs./Unit of Hqrs. concerned, should submit a self-contained note setting out all the facts of the case and the justification for the proposed debarment, along with all the relevant papers and documents to CSIR Hqrs. After obtaining the approval of the Secretary, DSIR/Director General, CSIR, the same will be forwarded to DoE. DoE will issue the necessary orders after satisfying itself that proposed debarment across all the Ministries/ Departments is in accordance with Rule 151 of GFRs, 2017. This scrutiny is intended to ensure uniformity of treatment in all cases.

11. The firm will remain in suspension mode (i.e. debarred) during the interim period till the final decision taken by DoE, only in the Laboratories/ Institutes/ Hqrs./ Units of Hqrs. of CSIR .

12. The Laboratory/ Institute/ Hqrs./ Unit of Hqrs. of CSIR before forwarding the proposal to DoE must ensure that reasonable opportunity has been given to the concerned firm to represent against such debarment (including personal hearing, if requested by firm). If DoE realizes that sufficient opportunity has not been given to the firm to represent against the debarment, such debarment requests received from CSIR shall be rejected.

13. DoE can also give additional opportunity, at their option, to firm to represent against proposed debarment. DoE can also take suo-moto action to debar the firms in certain circumstances

14. No contract of any kind whatsoever shall be placed on the debarred firm, including its allied firms by any of the Laboratories/ Institutes/ Hqrs./ Units of Hqrs. of CSIR after the issue of a debarment order.

15. DoE will maintain list of such debarred firms, which will be displayed on Central Public Procurement Portal (CPPP).

Revocation of Orders

16. An order for debarment passed shall be deemed to have been automatically revoked on the expiry of that specified period and it will not be necessary to issue a specific formal order of revocation.

17. A debarment order may be revoked before the expiry of the Order, by the competent authority, if it is of the opinion that the disability already suffered is adequate in the circumstances of the case or for any other reason.

Other Provisions (common to both types of debarment)

18. No contract of any kind whatsoever shall be placed to debarred firm including its allied firms after the issue of a debarment order by the Ministry/

Department. Bids from only such firms shall be considered for placement of contract, which are neither debarred on the date of opening of tender (first bid, normally called as technical bid, incase of two packet/two stage bidding) nor debarred on the date of contract. Even in the cases of risk purchase, no contract should be placed on such debarred firms.

19. In case, any debarred firm has submitted the bid, the same will be ignored. In case such firm is lowest (L-1), next lowest firm shall be considered as L-1. Bid security submitted by such debarred firm shall be returned to them.

20. Contracts concluded before the issue of the debarment order, shall not be affected by the debarment Orders.

21. The Debarment shall be automatically extended to all its allied firms. In case of joint venture/consortium is debarred all partners will also stand debarred for the period specified in Debarment Order. The names of partners should be clearly specified in the "Debarment Order".

22. Debarment in any manner does not impact any other contractual or other legal rights of the procuring entities.

23. The period of debarment shall start from the date of issue of debarment order.

24. The Order of debarment will indicate the reason(s) in brief that lead to debarment of the firm.

25. Ordinarily, the period of debarment should not be less than **six months**.

26. In case of shortage of suppliers in a particular group, such debarments may also hurt the interest of procuring entities. In such cases, endeavor should be to pragmatically analyze the circumstances, try to reform the supplier and may get a written commitment from the supplier that its performance will improve.

List of Debarred Firms in CSIR

Sl.No.	Name of the Firm	Laboratory/Institute/Unit	Contract Category (Goods/Works/Services)	Date of Debarment	Debarment end Date