

Government of Himachal Pradesh
Department of Higher Education

From

The Secretary (Education) to the
Government of Himachal Pradesh

To

The Director, Higher Education,
Himachal Pradesh, Shimla-171001

Dated: Shimla-171002

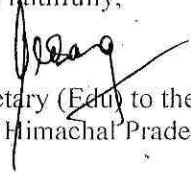
13-08-2020

Subject: - Restrictions on public procurement from bidders of certain countries.

Sir,

I am directed to enclose herewith a photocopy of letter No.6(18)2019-PPD dated 24.07.2020 received from Joint Secretary, Government of India, Department of Expenditure, Ministry of Finance, New Delhi on the subject cited above and to request you to take further necessary action in the matter under intimation to this department accordingly.


Yours faithfully,


Deputy Secretary (Edt) to the
Government of Himachal Pradesh

Directorate of Higher Education
Himachal Pradesh

Endst. No. EDN-H(4)C(5) 1/2020 dated: Shimla-171001 the 24 August, 2020.
Copy forwarded for information and necessary action to:

1. The Project Director, Rashtriya Uchhatar Shiksha Abhiyan, HP. Shimla-171001.
2. The Project Director, Samagra Shiksha Abhiyan, H.P. Shimla-171001.
3. The Group Commander, NCC Group. HQ. Himachal Pradesh, Shimla-171004.
4. The Branch Officer, General Branch, IT Cell, Store and Planning Branch Directorate of Hr. Education (Internal).
5. The Drawing & Disbursing Officer, Directorate of Hr. Education, H.P Shimla-1.
6. All the Dy. Director(s) of Higher Education in Himachal Pradesh.
7. The Dy. Director of Elementary Education, Kaza, Distt. L&S H.P.
8. The Principal, SCERT Solan/ GCTE Dharamshala/ All Govt. Colleges/Skt.Colleges, H.P.
9. All the Principals/ Headmasters Govt. Sr. Sec. Schools/ High Schools in H.P.
10. The Librarian, Central State Library, Solan, State Library the Mall Shimla, H.P.
11. All the DDOs of, Distt. Libraries in H.P.
12. The Incharge, IT Cell may upload this letter on the Departmental website


(Dr. Amarjeet K Sharma)
Director Higher Education
Himachal Pradesh

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.

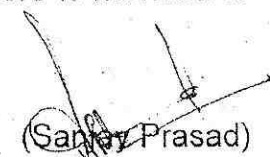
Example 1: Four bids are received in a tender. One of them is from a country which shares a land border with India. The bidder from such country is found to be qualified technically by meeting all prescribed criteria and is also the lowest bidder. In this case, the bidder is qualified for award of the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