

No.F.1/11/2019-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

Room No. 512, Lok Nayak Bhavan,
New Delhi, Dated the 30th September 2019

OFFICE MEMORANDUM

Subject: - Seeking preliminary inputs from Stakeholders for the development of modular and customisable Standard Bidding Documents for procurement of Goods, Works & Services - reg.


In continuation of this Department's various initiatives for increasing effectiveness, good governance, competition and value-for-money in public procurement, it has now been decided to develop Standard Bidding Documents (SBDs) for various categories (Goods, Works, Consultancy and Other Services). At present there are no common SBDs for use in Central Government, although some Ministries/ Departments and Public Sector Undertakings (PSUs) do have their own templates for bidding documents.

2. Common SBDs integrate the procurement market allowing the Government to leverage international best practices; procurement volumes and to ensure increased competition and realisation of horizontal objectives like preferential support to Make-in-India, Start-up and Stand-up India and Micro and Small Enterprises.

3. It is proposed to have modular approach in the development of SBDs. There will be certain common terms & conditions, clauses etc. and will be applicable to all categories of procurement. Thereafter for each category, separate set of terms and conditions will be developed. It is requested to:

- (i) Send your inputs in the enclosed Annexure-I (Common), Annexure-II (Goods), Annexure-III (Works), Annexure-IV (Consultancy) and Annexure-V (Services) which list indicative preliminary proposals for developing such SBDs;
- (ii) Provide feedback outside these areas. Those are also welcomed;
- (iii) Views of Attached/ Subordinate offices, PSUs and Autonomous Bodies under your control may also be taken and incorporated in the feedback sent to this Department;
- (iv) It is also requested to send copies of SBDs for various categories of procurement being used in your organisations.

4. The feedback and examples of SBDs (preferably word format) may be sent to undersigned, sanjay.aggarwal68@nic.in and girish.bhatnagar@gmail.com by 30.10.2019. The copy of this OM is also available on the website of Department of Expenditure. Feedback can also be submitted by any person/ organization, which will also be considered.



(Kotluru Narayan Reddy)

Deputy Secretary to the Govt. of India

Tel No.24621305

Kn.reddy@gov.in

To,

All the Secretaries/Financial Advisers of Central Government Ministries/
Departments

Copy to: Other Organizations/Individuals as per list attached.

Other Organizations/Individuals

Sl. No	Name of organization	Name & Designation S/Shri/Ms.	Address	Telephone/Fax/Mobile No.	e-mail
1	National Disaster Management Authority	R. K. Jain	NDMA Bhavan, A-I, Safdarjung Enclave New Delhi-110029		
2	Central Vigilance Commission	Secretary	Satarkta Bhavan, A-Block, GPO Complex, INA, New Delhi		
3	Comptroller and Auditor General of India	Comptroller and Auditor General of India	Pocket- 9, Deen Dayal Upadhyay Marg, New Delhi-110124		
4	NITI AAYOG	CEO	Yojana Bhavan,, New Delhi		
5	Confederation of Indian Industry	Nita Kamakar	6, N. S. Road, Kolkata-7000 001.	033 22137089 033 22315571 M – 09831021916 Fax – 033 22315577	nita.karmakar@cii.in
6	ISM-INDIA (An Affiliate of ISM USA)	Krishan K. Batra President & CEO Ex. Chairman of UN Supply Chain Worldwide		9650745582	krishan.batra@ism-india.org
7		Dr. Ran Vijaya Rai, Ph.D. (In Management), MBA, B.Tech.	S-10/203 AK, Hukulganj, Varanasi-221002,	09450543514	rvrai5@rediffmail.com

Sl. No.	Name of organization	Name & Designation S/Shri/Ms.	Address	Telephone/Fax/Mobile No.	e-mail
		(Ag. Engg.),			
8	BSA The Software Alliance	GouriThounaojam Senior Manager Compliance Programs & Policy - India		P +91 11 66155020/5016 M +91 91 9811821418	GouriT@bsa.org
9		Dr. G. P. Sahu , Associate Professor MNNIT Allahabad Uttar Pradesh 211004		09402104686 09305508002	gsahu@mnnit.ac.in dr.panda@outlook.in
10	ASSOCHAM	D S Rawat			kaushal.gupta@assochem.com
11	BHEL	A K jain GM/Corporate MM		011-66337207 9818999213	akj@bhel.in
12	ONGC	Amit Narayan Dy General Manager CEA to CMD	6th Floor, Jeevan Bharti Building Tower-II 124, Indira Chowk New Delhi-110 001		cmd@ongc.co.in
13	Asian Development Bank	AnshuVaid Batra, India Resident Mission	4 San Martin Marg, Chankyapuri, New Delhi - 110 021, India	30900652	abatra.contractor@adb.org
14	GAIL (India) Limited	S Halder , DGM (C&P)	Bhikaiji Cama Place, New Delhi-110 066	9999796386	shalder@gail.co.in
15	The World Bank	Shanker Lal Senior Procurement Specialist Governance Global		91-11-49247675	shanker@worldbank.org

Sl. No	Name of Organization	Name & Designation S/Shri/Ms.	Address	Telephone/Fax/Mobile No.	e-mail
		Practice			
16	Federation of Indian Chambers of Commerce and Industry Industry's Voice for Policy Change	Archana Datta Senior Assistant Director FICCI Quality Forum	Federation House, Tansen Marg, New Delhi 110 001	+91-11-23487211 +91-9891049511	archana.datta@ficci.com
17	NTPC	A.K. Chatterjee,		9650991003	arunkchatterjee@ntpc.co.in
18	CUTS International	Bulbul Sen Sarkar,		9999862888	bsensarkar@gmail.com
19	IOC	S.S.Sekar, General Manager			sekars@indianoil.in
20	DMRC	Sahedev, ED,		9910888439	edcontracts@dmrc.org
21	CII	Sipika Chauhan, Executive Officer,			sipika.chauhan@cii.in
22	Bharat Dynamics Limited	Cmdr Siddharth Mishra (Retd), Chief Executive Officer			cmdbdl@bdl-india.in
23	DG, CPWD	Singh Prabhakar, Director General	CPWD, 101-A, Nirman Bhawan, New Delhi-110011	23062556, 23061317	cpwd_dgw@nic.in
24	Director, NIFM	Meena Agarwal, Director	National Institute of Financial Management, Pali Road, Sector-48, Faridabad – 121001		director@nifm.ac.in

Common to all Categories of Procurement (Goods, Works, Consultancy & Other Services)

Preliminary proposal	Reference to GFR, 2017 and Good Manual, 2017	Your suggestions in this regard, including for contents of clauses	Justification and reasons for your Suggestions
<p>1. <u>A Family of Modular and Customisable SBDs:</u> In line with current international best practices, instead of a large variety of SBDs, it is proposed to develop minimum number of core SBDs for each category of procurement (Goods, Works, Consultancy and Services) containing a kernel of core clauses. One or more speciality modules can be added to the core SBDs to cover a specific variety of procurement and value range within that category (e.g. procurement of capital goods being added to core SBD in goods for Capital equipment). Further customisation can be done by adding certain additional clauses from a menu (e.g. Price Variation clause or Exchange Rate Variation clause in the aforesaid capital good procurement). The key to the Bid document components would be in the Bid Data Sheet.</p> <p>As a family of documents similarity in approach and concepts among the SBDs of various categories of procurement would be maintained.</p> <p>Thus, a family of modular and customisable SBDs would serve various specific procurement situations.</p> <p>These SBDs, modules and additional clauses would conform to extant guidelines of the Government. Each organisation may, if so desired, prepare a speciality module to cover any additional requirement/ clauses for their organisation, which can be attached to all core SBDs.</p> <p>Being standardised, such customisation/ modularisation would normally not require financial concurrence or legal consultation.</p>	<p>Rule 173 GFR regarding simple and self-contained bid-documents</p>		

What are your suggestions in this regard?			
<p>2. <u>Simplification:</u> The language of Bid-documents is usually too-complex and legalistic. Bid document language should be simple and clear to avoid ambiguity and to facilitate translation to other languages (i.e. minimum use of adjectives, and adverbs; use of words like – shall, should, will, would, may, might, must can etc should be uniform and standardised; minimise cross-references).</p> <p>Any further suggestion for simplification?</p>	-do-		
<p>3. <u>Use of Technology:</u> After development of the Bidding Documents, an attempt can be made to use software/ technology to generate Bidding document for specific procurement, with minimum input of data without duplication of entries.</p> <p>Any suggestion about such technological alternatives</p>			
<p>4. <u>User Guides for SBDs:</u> It is also proposed to develop a user guide for procuring entities to guide them in preparing specific bid documents using such SBDs, speciality modules and additional clauses. This will be part of the core SBD.</p> <p>What are your views about user-guide for SBDs?</p>	-Nil-		
<p>5. Any other suggestion to make such SBDs universally applicable and easier to use/ customise?</p> <p>6. Kindly share samples of good SBDs used in your organisation for various categories.</p>	-do-		

Preliminary Areas of concerns for the Procurement of Goods

Preliminary proposal	Reference to GFR, 2017 and Good Manual, 2017	Your suggestions in this regard, including for contents of clauses	Justification and reasons for your Suggestions
I. Notice Inviting Tender (NIT)			
1. Should NIT be more in tabular format (as is done by many organisations – e.g. Railways), since narratives about downloading; uploading and opening procedures are explained in e-proc portal.	Rule 168, Para 5.1.3 Goods Manual 2017		
2. Should this tabular information of NIT be combined/ harmonised with 'Bid Data Sheet' – to avoid duplication of same information.	-do-		
3. Your suggestions for what can be modified, subtracted or added to usual details in NIT?	-do-		
II. Instructions to Bidders (ITB) and Bid Data Sheet			
4. Should only core clauses may be included in ITB to simplify it, rest may be covered in speciality modules and additional clauses as applicable in individual cases. 5. Bid Data Sheet besides setting out special instructions to bidders would also serve as the key to various components of the modular customised Bid Document. Details of the tender in tabular form in Bid Data Sheet and NIT would be synchronised, to avoid repetition. 6. Your suggestions for what can be modified, subtracted or added to usual details in ITB and Bid Data Sheet?	-do-		
III. General Conditions of Contract (GCC) & Special Conditions of Contract (SCC)			
7. Should GCC also have core clauses, rest being covered in respective add-on speciality modules and customisable clauses to cover different situations? 8. Your suggestions for what can be modified, subtracted or added to usual details in GCC and SCC?	Rule 225 GFR, Para 5.1.5 Goods Manual 2017 Rule 225 (iv)(a) Up to Rs 2.5 lakhs		

	contract comprising basic terms and conditions Rule 225 (iv)(b) Rs 1 – 10 Lakhs, LOA would result in binding contract		
IV. Other Schedules and Formats of the Bid Documents			
9. Your suggestions for what can be modified, subtracted or added to usual details in Schedules and Formats in SBD?			
V. Speciality Modules and additional clauses			
<p>10. Speciality Modules: Tentative list of speciality modules for goods to cover different procurement situations are given below.</p> <ul style="list-style-type: none"> a. International competitive Bidding/ Global tender b. High Value range module c. Single Envelop Tenders d. Two envelop tenders e. Annual Running Supply Contracts f. Rate Contracts? g. Pre-qualification tenders h. Two Stage; Expression of Interest; Enlistment of Bidders i. Procurement of Capital Goods contracts j. Annual Maintenance Contract k. Fabrication/ Installation/ Commissioning of Mechanical and Electrical Machinery <p>Note: To begin with only 4 speciality modules may be prepared. It is not proposed to initially cover very specialised procurements in Health sector; Information Systems; turn-key contracts etc</p> <p>Please list 4 speciality modules, which in your view are more commonly used.</p> <p>Your suggestions for what can be modified, subtracted or added to these speciality modules?</p>	Rule 168, Para 5.1.4 Goods Manual 2017		
11. Additional clauses added could be:			
	-do-		

- a. Pre-bid conference
- b. Schedule-wise evaluation
- c. Incidental services
- d. Price variation clause
- e. Exchange Rate variation clause
- f. Option Quantity Clause
- g. Parallel Contracts
- h. Tenders involving samples
- i. Fall clause
- j. Issue, custody and return of procuring entity's material/ assets
- k. Warrantee clause
- l. Advance payments
- m. Integrity Pact

Your suggestions for what can be modified, subtracted or added to these additional clauses?

12. Any other suggestions for Goods SBD

Preliminary Areas of concerns for the Procurement of Works

“Repair Works” below Rs 30 Lakhs in line with rule 133(1) of GFR, 2017.

Preliminary proposal	Reference to GFR, 2017 and Works Manual, 2019	Your suggestions in this regard, including for contents of clauses	Justification and reasons for your Suggestions
I. Notice Inviting Tender (NIT)			
1. Should NIT be more in tabular format (as is done by many organisations – e.g. Railways), since narratives about downloading; uploading and opening procedures are explained in e-proc portal.	Rule 168, Para 4.2 Works Manual 2019		
2. Should this tabular information of NIT be combined/ harmonised with ‘Bid Data Sheet’ – to avoid duplication of same information.	-do-		
3. Your suggestions for what can be modified, subtracted or added to usual details in NIT?	-do-		
II. Instructions to Bidders (ITB) and Bid Data Sheet			
4. Should only core clauses may be included in ITB to simplify it, rest may be covered in speciality modules and additional clauses as applicable in individual cases. 5. Bid Data Sheet besides setting out special instructions to bidders would also serve as the key to various components of the modular customised Bid Document. Details of the tender in tabular form in Bid Data Sheet and NIT would be synchronised, to avoid repetition. 6. Your suggestions for what can be modified, subtracted or added to usual details in ITB and Bid Data Sheet?	-do-		
III. General Conditions of Contract (GCC) & Special Conditions of Contract (SCC)			
7. Should GCC also have core clauses, rest being covered in respective add-on speciality modules and customisable clauses to cover different situations.	Rule 225 GFR, Para 4.2 Works Manual 2109		

<p>8. Your suggestions for what can be modified, subtracted or added to usual details in GCC and SCC?</p>	<p>Rule 225 (iv)(a) Up to Rs 2.5 lakhs contract comprising basic terms and conditions Rule 225 (iv)(b) Rs 1 – 10 Lakhs, LOA would result in binding contract</p>		
<p>IV. Other Schedules and Formats of the Bid Documents</p>			
<p>9. Your suggestions for what can be modified, subtracted or added to usual details in Schedules and Formats in SBD?</p>	<p>-do-</p>		
<p>V. Speciality Modules and additional clauses</p>			
<p>10. Speciality Modules: Tentative list of speciality modules for works to cover different procurement situations are given below.</p> <ul style="list-style-type: none"> a. Single Envelop Tenders b. Two envelop tenders c. Lump sum Contract d. Item Rate Contract e. Percentage Contract f. Running RateRepair Contract <p>Note: To begin with only 4 speciality modules may be prepared. Please list 4 speciality modules, which in your view are more commonly used. Your suggestions for what can be modified, subtracted or added to these speciality modules?</p>	<p>Rule 168, Para 4.2Works Manual 2019</p>		
<p>11. Additional clauses added could be:</p> <ul style="list-style-type: none"> a. Price variation clause b. Parallel Contracts c. Fall clause d. Issue, custody and return of procuring entity's material/ assets 	<p>-do-</p>		

e. Warrantee clause f. Advance payments Your suggestions for what can be modified, subtracted or added to these additional clauses?			
12. Any other suggestions for Works SBD (Repair Work below Rs. 30 lakh).			

Preliminary Areas of concerns for the procurement of Consultancy Services

Preliminary proposal	Reference to GFR, 2017 and Services Manual, 2017	Your suggestions in this regard, including for contents of clauses	Justification and reasons for your Suggestions
I. Standard Request for Expression of Interest (Eol)			
1. Like NIT for Goods in Annexure II above should' Letter of Invitation; in the EOI also be in tabular form. 2. Should Instructions to Consultants contain only core clauses in core Eol 3. Rest of Sections on Description of Service/ Scope of Work; and Qualification Criteria and other schedules would be generic. 4. Formats of submission would be also generic. 5. Your suggestions for what can be modified, subtracted or added to Eol? Kindly share a sample of EOI if any!	Rule 164 GFR 2017 and para 5.1 of Services Manual 2017		
II. Standard Request for Proposal (SRfP)			
6. Should the 'Letter of Invitation' be in tabular format. 7. Similarly, should 'Instructions to Consultant contain only core clauses in core SRFP. 8. Schedules like ToR, Qualification Criteria, Selection Criteria and other schedules would be generic. 9. Contract form including GCC and SCC would also be containing only core clauses, rest being covered in speciality modules and additional clauses 10. Other formats would be generic. 11. Your suggestions for what can be modified, subtracted or added to SRfP?	Rule 186 GFR 2017 and para 6.2 of Services Manual 2017		
III. Speciality Modules and additional clauses			
12. Add-on speciality modules could be: a. International competitive Bidding/ Global tender b. High Value range module	-do-		

<ul style="list-style-type: none"> c. Simplified Technical Proposal (Full Technical Proposal will be part of the core SBDs) d. Time based Retainership Contracts e. Percentage Success fee contracts f. Framework Contracts g. Retainership cum Success Fee contracts h. Least Cost Selection (LCS) i. Quality cum Cost based selection (QCBS) j. Single Source Selection k. Hiring Individual Consultants l. Consultancy from Govt./ Semi Govt/ Universities etc m. Consultancy from NGO/ non-profit agencies n. Assigning Work to Works PSUs under GFR Rule 133 (3) <p>Note: To begin with only 4 speciality modules may be prepared.</p> <p>Please list 4 speciality modules, which in your view are more commonly used.</p> <p>Your suggestions for what can be modified, subtracted or added to these speciality modules?</p>			
<p>13. Additional clauses could be:</p> <ul style="list-style-type: none"> a. Incidental services b. Price adjustment clause c. Fall clause d. Issue, custody and return of procuring entity's material/ assets e. Integrity Pact f. Advance payments 	-do-		
<p>IV. Any other suggestions for EoI/ SRfP for Procurement of Consultancy Services</p>			

Preliminary Areas of concerns for the procurement of non-Consultancy Services

Preliminary proposal	Reference to GFR, 2017 and Services Manual, 2017	Your suggestions in this regard, including for contents of clauses	Justification and reasons for your Suggestions
I. Standard Request for Proposal (SRfP)			
1. Should the 'Letter of Invitation' be in tabular format. 2. Similarly, should 'Instructions to Bidders contain only core clauses in core SRFP. 3. Schedules like Description of Service, Scope of Work; Activity Schedules; Qualification Criteria; Selection Criteria and other schedules would be generic. 4. Other formats would be generic. 5. Your suggestions for what can be modified, subtracted or added to SRfP?	Rule 200 of GFR 2017 and para 9.14 of Services Manual 2017		
II. General Conditions of Contract (GCC) & Special Conditions of Contract (SCC)			
6. Should GCC also have core clauses, rest being covered in respective add-on speciality modules and customisable clauses to cover different situations. 7. Your suggestions for what can be modified, subtracted or added to usual details in GCC and SCC?	Rule 225 GFR, Para 5.1.5 Goods Manual 2017, para 9.14 of Services Manual Rule 225 (iv)(a) Up to Rs 2.5 lakhs contract comprising basic terms and conditions Rule 225 (iv)(b) Rs 1 – 10 Lakhs, LOA would result in binding contract		
III. Speciality Modules and additional clauses			
8. Add-on speciality modules could be: a. International competitive Bidding/ Global tender	-do-		

<ul style="list-style-type: none"> b. Single Envelop Tenders c. Two envelop tenders d. Outsourcing of Services e. Services from Individual Service Providers f. Services from Govt./ Semi Govt/ Universities etc g. Services from NGO/ non-profit agencies h. Single Source Selection i. Time based Retainership Contracts j. Unit-rate Services contract k. Time-based cum unit-rate - contracts l. Framework Contracts m. Pre-qualification n. High value (>Rs 10 Lakh) <p>Note: To begin with only 4 speciality modules may be prepared.</p> <p>Please list 4 speciality modules, which in your view are more commonly used.</p> <p>Your suggestions for what can be modified, subtracted or added to these speciality modules?</p>			
<ul style="list-style-type: none"> 9. Additional clauses could be: <ul style="list-style-type: none"> a. Incidental services b. Price variation clause c. Fall clause d. Issue, custody and return of procuring entity's material/ assets e. Integrity Pact f. Advance payments g. Service Level Agreement 	-do-		
IV. Any other suggestions for SRfP for Procurement of Non-Consultancy Services			