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भारतीय आयुर्विज्ञान अनुसंधान परिषद
स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research
Department of Health Research, Ministry of Health
and Family Welfare, Government of India

संख्या 16/4/2022- प्रशासन

दिनांक : 15.07.2022

सेवा में,

निदेशक / प्रभारी निदेशक

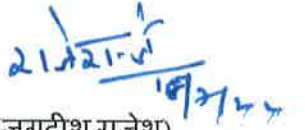
परिषद के सभी संस्थान/केन्द्र

विषय :- Insertion of Rule 144 (xi) in the General Financial Rules (GFRs), 2017

महोदय/महोदया,

अधोहस्ताक्षरी को उपर्युक्त विषय पर वाणिज्य एवं उद्योग मंत्रालय, गवर्नमेंट ई मार्केटप्लेस, नई दिल्ली, द्वारा जारी, डीओ पत्र संख्या 222/CEO-GeM/2022 दिनांक 08/6/2022 के साथ, सूचना एवं आवश्यक कारवाई हेतु अग्रेषित है।

भवदीय,


(जगदीश राजेश)

सहायक महानिदेशक (प्रशा.)

अनुलग्नक : यथोक्त

प्रतिलिपि:-

- 1 महानिदेशक /वरि. उपमहानिदेशक (प्रशा.)/ अति महानिदेशक/ वरि. वित्त सलाहकार के निजी सचिव
- 2 परिषद के सभी प्रभाग प्रमुख
- 3 उपमहानिदेशक (प्रशा.) / सहा. महानिदेशक (प्रशा.)/ सहा. महानिदेशक (वित्त.)
- 4 डॉ.एल.के शर्मा ,वैज्ञानिक -ई: वैबसाइट पर अपलोड करने के लिए ईमेल आईडी
(sharma.lk@icmr.gov.in) पर मेल कर दिया गया है।



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भारतीय आयुर्विज्ञान अनुसंधान परिषद
स्वास्थ्य अनुसंधान विभाग, स्वास्थ्य एवं परिवार
कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research
Department of Health Research, Ministry of Health
and Family Welfare, Government of India

No.16/4/2022-Admn

Dated: 15/07/2022

To

The Directors/Directors-in-Charge of
all Institutes/Centers of ICMR

Subject:- Insertion of Rule 144 (xi) in the General Financial Rules (GFRs), 2017

Sir/Madam,

I am directed to refer a copy of DO letter No 222/CEO-GeM/2022, dated 08/07/2022 issued by Ministry of Commerce & Industry, Government e Marketplace, New Delhi alongwith enclosure on the subject mentioned above for information and necessary action.

Yours faithfully

(Jagdish Rajesh)
Assistant Director General (Admn)

Encl : As above

Copy to:

- (1) PS to DG/Addl.DG/Sr. DDG(A)/ Sr. FA
- (2) All Divisional Heads
- (3) DDG (A) /ADG(A)/ ADG(F)
- (4) Dr. L.K. Sharma, Scientist "E"- soft copy of the same has been mailed at your email ID(Sharma.Ik@icmr.gov.in) for website upload.



ADMN-II ADMN <admn2355@gmail.com>

Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

1 message

R Lakshminarayanan <lakshminarayanan.r@icmr.gov.in>

Tue, Jul 12, 2022 at 4:59 PM

To: admn2355 <admn2355@gmail.com>

Cc: SAFAL CHETRI CHETRI <chetri.s@icmr.gov.in>, Jagdish Rajesh <rajeshj.hq@icmr.gov.in>, Sr DDG Admin <srddga.hq@icmr.gov.in>, Rajeev Roy <rajeev.roy@gov.in>, Vinod Sharma <sharmav1.del.cca@gov.in>, JOY Kumar Chakma <drjoyk@icmr.gov.in>, "Mahesh Kr. Sabharwal Assistant ICMR" <sabharwalmk.hq@icmr.gov.in>, dhrhq icmr <dhrhq.icmr@gmail.com>, Daulat Ram Meena <daulat.meena@gov.in>, Aruna Sen <aruna.sen@gov.in>, Harish Chandra <harish.cmondal@gov.in>, Jatin Singh <jatin.singh90@gov.in>

Please circulate.

Thanks

Dr R Lakshminarayanan
Deputy Director General (A) &
Vigilance Officer
ICMR HQ, New Delhi.

From: "dhrhq icmr" <dhrhq.icmr@gmail.com>

To: "R Lakshminarayanan" <lakshminarayanan.r@icmr.gov.in>, "Jagdish Rajesh" <rajeshj.hq@icmr.gov.in>

Cc: "Daulat Ram Meena" <daulat.meena@gov.in>, "Aruna Sen" <aruna.sen@gov.in>, "Harish Chandra" <harish.cmondal@gov.in>, "Jatin Singh" <jatin.singh90@gov.in>

Sent: Tuesday, July 12, 2022 4:47:58 PM

Subject: Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

Sir,

I am directed to forward DO letter, along with all its attachments, received from Shri P. K. Singh, CEO, GeM for your kind perusal and necessary action.

Regards,

DHR-ICMR Section

----- Forwarded message -----

From: Harish Chandra <harish.cmondal@gov.in>

Date: Mon, Jul 11, 2022 at 4:58 PM

Subject: Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

To: Jatin Singh <jatin.singh90@gov.in>, dhrhq icmr <dhrhq.icmr@gmail.com>

For needful done

From: "Daulat Ram Meena" <daulat.meena@gov.in>

To: "Harish Chandra" <harish.cmondal@gov.in>

Sent: Monday, July 11, 2022 3:14:52 PM

Subject: Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

Pl. circulate to ICMR.

*J. No 354 Admn
13/7/2022*

*Ms. Maehy
Vijay
13/7*

From: "Anu Nagar" <anu.nagar1@gov.in>

To: "Aruna Sen" <aruna.sen@gov.in>, "Daulat Ram Meena" <daulat.meena@gov.in>, "Vinod Kumar" <vinod.kumar27@gov.in>, "ShriMohanLal UnderSecretary" <mohan.lal15@nic.in>

Cc: "geetan" <geetan@nic.in>, "Sr DDG Admin" <srddga.hq@icmr.gov.in>, royrajeev95@gmail.com

Sent: Monday, July 11, 2022 1:16:52 PM

Subject: Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

Sent from my iPhone

Begin forwarded message:

From: "Prof. Balram Bhargava" <balram.bhargava@gov.in>
Date: 11 July 2022 at 11:59:16 IST
To: balrambhargava@yahoo.com, geetan <geetan@nic.in>, Anu Nagar <anu.nagar1@gov.in>, Rajeev Roy <rajeev.roy@gov.in>, Sr DDG Admin <srddga.hq@icmr.gov.in>
Cc: Vinod Kumar <vinod.kumar27@nic.in>, Secretary DHR <dg@icmr.org.in>
Subject: Fwd: DO No.222/CEO-GeM/2022 dated 8th July, 2022

From: "Office of CEO GeM" <pstoceo@gem.gov.in>
To: "Manoj Ahuja" <secy-agri@nic.in>, "Trilochan Mohapatra" <dg.icar@nic.in>, "Jatindranath Swain" <secy-fisheries@nic.in>, "Mr Atul Chaturvedi" <secyahd@nic.in>, "RAJESH KOTECHA" <secy-ayush@nic.in>, "Office of Secretary (C&PC)" <sec.cpc@nic.in>, "Ms S. Aparna" <secy-pharma@nic.in>, "Secretary DoF" <fertsec@nic.in>, "secy moca" <secy.moca@nic.in>, "Anil Kumar Jain" <secy.moc@nic.in>, "Commerce Secretary Office" <csoffice@nic.in>, "Secy DPIIT" <secy-ipp@nic.in>, "K Rajaraman" <secy-dot@nic.in>, "Secretary Posts" <secretary-posts@indiapost.gov.in>, "ROHIT KUMAR SINGH" <secy-ca@nic.in>, "Mr Sudhanshu Pandey" <secy-food@nic.in>, "Secretary MCA" <secy.mca@nic.in>, "Govind Mohan" <secy-culture@nic.in>, "AJAY KUMAR" <sdps@nic.in>, "Shri B. Anand" <secyesw@nic.in>, "Dr. G. Satheesh Reddy" <secydrdo@hqr.drdo.in>, "DEFENCE SECRETARY" <defsecy@nic.in>, "Mr Lok Ranjan" <secydoner@nic.in>, "Dr M Ravichandran" <secretary@moes.gov.in>, "Ms Anita Karwal" <secy.sel@nic.in>, "K. Sanjay Murthy" <secy.dhe@nic.in>, "Secretary MeitY" <secretary@meity.gov.in>, "Ms Leena Nandan" <secy-moef@nic.in>, "SAURABH KUMAR" <secyeast@mea.gov.in>, "Dammu Ravi" <secyer@mea.gov.in>, "Sanjay Verma" <secywest@mea.gov.in>, "Vinay Kwatra" <psfs@mea.gov.in>, "Dr. Ausaf Sayeed" <secycpv@mea.gov.in>, "Shri Ajay Seth" <secy-dea@nic.in>, "T.V. Somanathan" <secyexp@nic.in>, "Shri Tarun Bajaj Secretary DOR" <rsecy@nic.in>, "Sanjay Malhotra" <secy-fs@nic.in>, "Secretary MoFPI" <secy.mofpi@nic.in>, "Mr Rajesh Bhushan" <secyhfw@nic.in>, "Prof. Balram Bhargava" <balram.bhargava@gov.in>, "Arun Goel" <shioff@nic.in>, "Shri Ali R. Rizvi" <secy-dpe@nic.in>, "Ajay Kumar Bhalla" <hshso@nic.in>, "SECRETARY,OL" <secy-ol@nic.in>, "Sanjeev Gupta" <gupta.sanjeev@gov.in>, "Secretary Iscs" <secy-iscs@nic.in>, "Manoj Joshi" <secyurban@nic.in>, "Apurva Chandra" <secy.inb@nic.in>, "Secretary DIPAM" <secydivest@nic.in>, "Shri Pankaj Kumar" <secy-mowr@nic.in>, "O/o Secy Labour Employment" <secy-labour@nic.in>, "Shri S.K.G Rahate" <secy-jus@gov.in>, "Dr. Niten Chandra, Law Secretary" <Secylaw-dla@nic.in>, "Secretary LD" <secyoffice-ld@gov.in>, "Bidyut Behari Swain" <secretary-msme@nic.in>, "Alok Tandon" <secy-mines@nic.in>, "Secretary(Minority Affairs)" <secy-mma@nic.in>, "Mr. Indu Shekhar Chaturvedi" <secy-mnre@nic.in>, "Mr Sunil Kumar" <secy-mopr@nic.in>, "Gyanesh Kumar" <secympa@nic.in>, "Office of Secretary, Personnel" <secy_mop@nic.in>, "Shri V. Srinivas" <secy-arp@nic.in>, "Secy PNG" <sec.png@nic.in>, "Office of Secretary Ports Shipping and Waterways" <secyship@nic.in>, "Shri Alok Kumar" <secy-power@nic.in>, "ChairmanRailwayBoard RailwayBoard" <crb@rb.railnet.gov.in>, "SECRETARY MORTH" <Secy-road@nic.in>, "NAGENDRA NATH SINHA" <secyrd@nic.in>, "Mr Ajay Tirkey" <secylr@nic.in>, "SECRETARY DST" <dstsec@nic.in>, "Dr Rajesh S Gokhale" <secy.dbt@nic.in>, "Director General CSIR" <dgcsir@csir.res.in>, "Rajesh Aggarwal" <secy-msde@nic.in>, "Mr R Subrahmanyam" <secywel@nic.in>, "Ms. Anjali Bhawra" <secretaryda-msje@nic.in>, "Secretary NCSC" <secretary-ncsc@nic.in>, chairman@isro.gov.in, "Dr(Mr) G P Samanta" <secretary@mospi.gov.in>, "Sanjay Singh" <secy-steel@nic.in>, "Secretary Textiles" <secy-textiles@nic.in>, "Secretary Tourism" <sectour@nic.in>, "Lakshmi Naryain" <secy-tribal@nic.in>, "Mr Indevan Pandey" <secy.wcd@nic.in>, "SUJATA CHATURVEDI" <secy-sports@nic.in>, "Secretary Youth Affairs" <secy-ya@nic.in>, chairman@dae.gov.in, "Gyanesh Kumar" <secy-coop@gov.in>
Cc: "P K Singh" <ceo-gem@gov.in>, "RAJESH JAIN" <rajesh.jain072@gem.gov.in>, "YK PATHAK" <yk.pathak@gem.gov.in>, "PRAKASH MIRANI" <aceo1-gem@gem.gov.in>
Sent: Monday, July 11, 2022 11:46:59 AM
Subject: DO No.222/CEO-GeM/2022 dated 8th July, 2022

Respected Sir/Ma'am,

PFA a DO letter from Shri P. K. Singh, CEO, GeM.

Warm Regards,

Yours sincerely,

CEO Office
Government e Marketplace (SPV)
Ministry of Commerce & Industry
Govt. of India
Ph: 011-23349186/23725091
www.gem.gov.in



Share your Ideas and suggestions with the PM!

Mann Ki Baat
on 31st July, 2022





3 attachments

 **DOE-ORDER-NEIGHBOURING-COUNTRIES.pdf**
5035K

 **List of sensitive categories.pdf**
438K

 **DO No. 222, Secretaries of all Ministries, Departments, 08-07-2022.pdf**
503K



जेम

गवर्नमेंट ई मार्केटप्लेस

दक्ष • पारदर्शी • समावेशी

प्रशान्त कुमार सिंह, भा प्र.रो.
मुख्य कार्यकारी अधिकारी

P.K. SINGH, IAS
Chief Executive Officer

2727994
11-7-22



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

भारत सरकार
वाणिज्य एवं उद्योग मंत्रालय
गवर्नमेंट ई मार्केटप्लेस
द्वितीय तल, जीवन तारा बिल्डिंग
पटेल चौक, नई दिल्ली-110001
दूरभाष : 011-23349186
ई-मेल : ceo-gem@gov.in

Government of India
Ministry of Commerce & Industry
Government e Marketplace
2nd Floor, Jeevan Tara Building
Patel Chowk, New Delhi-110001
Tel : 011-23349186
e-mail : ceo-gem@gov.in

DO No.222/CEO-GeM/2022

8th July, 2022

Respected Sir,

GeM is the National Public Procurement portal for procurement of Goods and Services by Government Departments. You would be aware that GeM crossed the INR 1 Lakh Crore of procurement in a single fiscal year in FY 21-22. Cumulatively GeM has facilitated more than 1 crore transactions valued at over INR 2.5 Lakh Crore. The platform continues to evolve with newly added functionalities and features.

2. GeM was created to facilitate procurement by different Government organisations across the country. However, few cases of misuse of the platform by buyers have come to light, where some buyers are opting for BoQ based bidding or custom catalogue-based bidding for cases that are possible through regular catalogue/category-based bidding.

3. Attention is also invited to Office Memorandum No. F. No.6/18/2019-PPD dated 23-July-2020, issued by the Public Procurement Division, Department of Expenditure, Ministry of Finance, regarding Restrictions under rule 144 (xi) GFR in respect of bidders having beneficial ownership interests in land Border sharing countries, which mandates the following in respect of GeM:

- "The Government E-Marketplace shall, as soon as possible, require all vendors/bidders registered with GeM to give a certificate regarding compliance with this order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/until they are registered in accordance with this order."

4. As Custom / BoQ bids are manually created by Buyers, the Bidders and their Product Offerings in such bids are not validated by GeM. Such bidding may lead to violation of one or more of the following:

- Compliance of Restrictions under Rule 144 (xi) of GFR 2017: Restrictions on procurement from a bidder of a country which shares a land border with India:

GeM ensures compliance with Rule 144 (xi) of GFR 2017 and as such GeM GTC clause 26 regarding Restrictions on procurement from a bidder of a country which shares land border with India, stipulates that any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating

see inside

for Mr
SMDh D DG (A)

Procurement Made Smart

D. No. 357 Adm
15/7/2022

Please Visit : www.gem.gov.in

14/7

CPC - / Adm

D
15.7.22

JS (GM) / JS (Adm) / JS (BoQ Adm) / JS (FA, Adm)

in a bid, the Bidder must ensure compliance of this through an undertaking and any false declaration or non-compliance of can be a ground for immediate termination of the contract and further legal action in accordance with law. In case of GeM category-based procurement bids, the Bidder status for critical categories is pre-checked / verified by QCI teams.

o MSE Purchase Preference:

In case of category-based bidding, the Bidder status, and its eligibility for MSE preference is pre-validated by GeM system. In BoQ and Custom bids such validations do not exist

o MII Purchase Preference:

Like in the case of MSE preference, the % of MII content etc. are declared by OEMs in case of category-based procurement. In BoQ and Custom bids such validations do not exist.

5. In Custom / BoQ bids, the credentials of sellers on their authorization by the OEM are not validated since there is no pre-uploaded catalogue or OEM mapping possible.

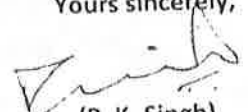
6. In view of the above, it is requested to kindly direct all officials under your administrative control to ensure that Custom catalogue and BoQ based bidding is not resorted to in respect of items for which regular categories exist on GeM. This is particularly important in respect of all Information Technology, Cyber Security, Surveillance and Medical Equipment categories etc. where there is possibility of data transfer through the equipment. In addition, adequate care needs to be taken by the Buyer to ensure compliance of the Restrictions under Rule 144(xi) of GFR, 2017, MSE and MII Purchase Preference while creating Custom or BoQ based bid for categories not available on GeM.

7. In respect of critical categories that are given in the attached list, GeM would be constrained to cancel any bid created by the Buyer using Custom / BoQ bid method for which regular categories exist on GeM, irrespective of the stage up to which the bid has progressed. This is an indicative list and GeM would continuously be identifying more such sensitive categories. Buyers are necessarily required to refrain from creating Custom / BoQ bids for any item for which regular category is available on GeM.

8. All buyers under your administrative control may kindly be sensitized about this issue to avoid any inconvenience or delay arising out of cancellation of the bid by GeM.

warm regards,

Yours sincerely,


(P. K. Singh)

To,
Secretaries of all Ministries /Departments.

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division


161, North Block,
New Delhi
23rd July, 2020

Office Memorandum

Subject: Insertion of Rule 144 (xi) in the General Financial Rules (GFRs), 2017

Rule 144 of the General Financial Rules 2017 entitled 'Fundamental principles of public buying', has been amended by inserting sub-rule (xi) as under:

Notwithstanding anything contained in these Rules, Department of Expenditure may, by order in writing, impose restrictions, including prior registration and/or screening, on procurement from bidders from a country or countries, or a class of countries, on grounds of defence of India, or matters directly or indirectly related thereto including national security; no procurement shall be made in violation of such restrictions.


(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
(2) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

1/12

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block,
New Delhi
23rd July, 2020

Order (Public Procurement No. 1)

Subject: Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017

Attention is invited to this office OM no. 6/18/2019-PPD dated 23rd July 2020 inserting Rule 144 (xi) in GFRs 2017. In this regard, the following is hereby ordered under Rule 144 (xi) on the grounds stated therein:

Requirement of registration

1. Any bidder from a country which shares a land border with India will be eligible to bid in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority, specified in **Annex I**.
2. This Order shall not apply to (i) cases where orders have been placed or contract has been concluded or letter/notice of award/ acceptance (LoA) has been issued on or before the date of this order; and (ii) cases falling under **Annex II**.

Transitional cases

3. Tenders where no contract has been concluded or no LoA has been issued so far shall be handled in the following manner: -
 - a) *In tenders which are yet to be opened, or where evaluation of technical bid or the first exclusionary qualificatory stage (i.e. the first stage at which the qualifications of tenderers are evaluated and unqualified bidders are excluded) has not been completed: No contracts shall be placed on bidders from such countries. Tenders received from bidders from such countries shall be dealt with as if they are non-compliant with the tender conditions and the tender shall be processed accordingly.*
 - 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.

- c) As far as practicable, and in cases of doubt about whether a bidder falls under paragraph 1, a certificate shall be obtained from the bidder whose bid is proposed to be considered or accepted, in terms of paras 8, 9 and 10 read with para 1 of this Order.

Incorporation in tender conditions

4. In tenders to be issued after the date of this order, the provisions of paragraph 1 and of other relevant provisions of this Order shall be incorporated in the tender conditions.

Applicability

5. Apart from Ministries / Departments, attached and subordinate bodies, notwithstanding anything contained in Rule 1 of the GFRs 2017, this Order shall also be applicable
- a. to all Autonomous Bodies;
 - b. to public sector banks and public sector financial institutions; and
 - c. subject to any orders of the Department of Public Enterprises, to all Central Public Sector Enterprises; and
 - d. to procurement in Public Private Partnership projects receiving financial support from the Government or public sector enterprises/ undertakings.
 - e. Union Territories, National Capital Territory of Delhi and all agencies/ undertakings thereof

Definitions

6. "Bidder" for the purpose of this Order (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
7. "Tender" for the purpose of this Order will include other forms of procurement, except where the context requires otherwise.
8. "Bidder from a country which shares a land border with India" for the purpose of this Order means

- a) An entity incorporated, established or registered in such a country; or
- b) A subsidiary of an entity incorporated, established or registered in such a country; or
- c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d) An entity whose *beneficial owner* is situated in such a country; or
- e) An Indian (or other) agent of such an entity; or
- f) A natural person who is a citizen of such a country; or
- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

9. "Beneficial owner" for the purpose of paragraph 8 above will be as under:

- (i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a controlling ownership interest or who exercises control through other means.

Explanation—

- a. "Controlling ownership interest" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
- b. "Control" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;

(ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

(iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;

(iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

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(v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

10. "Agent" for the purpose of this Order is a person employed to do any act for another, or to represent another in dealings with third persons.

Sub-contracting in works contracts

11. In works contracts, including turnkey contracts, contractors shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority. The definition of "contractor from a country which shares a land border with India" shall be as in paragraph 8 above. This shall not apply to sub-contracts already awarded on or before the date of this Order.

Certificate regarding compliance

12. A certificate shall be taken from bidders in the tender documents regarding their compliance with this Order. If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for immediate termination and further legal action in accordance with law.

Validity of registration

13. In respect of tenders, registration should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance / placement of order, registration shall not be a relevant consideration during contract execution.

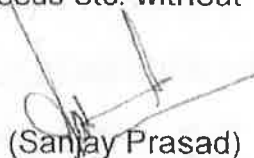
Government E-Marketplace

14. The Government E-Marketplace shall, as soon as possible, require all vendors/ bidders registered with GeM to give a certificate regarding compliance with this Order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/ until they are registered in accordance with this Order.

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Model Clauses/ Certificates

15. Model Clauses and Model Certificates which may be inserted in tenders / obtained from Bidders are enclosed as **Annex III**. While adhering to the substance of the Order, procuring entities are free to appropriately modify the wording of these clauses based on their past experience, local needs etc. without making any reference to this Department.


(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 these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Secretary DPIIT with a request to initiate action as provided under Annex I
- (4) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

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Annex I: Competent Authority and Procedure for Registration

- A. The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT)*.
- B. The Registration Committee shall have the following members*:
- i. An officer, not below the rank of Joint Secretary, designated for this purpose by DPIIT, who shall be the Chairman;
 - ii. Officers (ordinarily not below the rank of Joint Secretary) representing the Ministry of Home Affairs, Ministry of External Affairs, and of those Departments whose sectors are covered by applications under consideration;
 - iii. Any other officer whose presence is deemed necessary by the Chairman of the Committee.
- C. DPIIT shall lay down the method of application, format etc. for such bidders as stated in para 1 of this Order.
- D. On receipt of an application seeking registration from a bidder from a country covered by para 1 of this Order, the Competent Authority shall first seek political and security clearances from the Ministry of External Affairs and Ministry of Home Affairs, as per guidelines issued from time to time. Registration shall not be given unless political and security clearance have both been received.
- E. The Ministry of External Affairs and Ministry of Home Affairs may issue guidelines for internal use regarding the procedure for scrutiny of such applications by them.
- F. The decision of the Competent Authority, to register such bidder may be for all kinds of tenders or for a specified type(s) of goods or services, and may be for a specified or unspecified duration of time, as deemed fit. The decision of the Competent Authority shall be final.
- G. Registration shall not be granted unless the representatives of the Ministries of Home Affairs and External Affairs on the Committee concur*.
- H. Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.

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- I. The Competent Authority is empowered to cancel the registration already granted if it determines that there is sufficient cause. Such cancellation by itself, however, will not affect the execution of contracts already awarded. Pending cancellation, it may also suspend the registration of a bidder, and the bidder shall not be eligible to bid in any further tenders during the period of suspension.
- J. For national security reasons, the Competent Authority shall not be required to give reasons for rejection / cancellation of registration of a bidder.
- K. In transitional cases falling under para 3 of this Order, where it is felt that it will not be practicable to exclude bidders from a country which shares a land border with India, a reference seeking permission to consider such bidders shall be made by the procuring entity to the Competent Authority, giving full information and detailed reasons. The Competent Authority shall decide whether such bidders may be considered, and if so shall follow the procedure laid down in the above paras.
- L. Periodic reports on the acceptance/ refusal of registration during the preceding period may be required to be sent to the Cabinet Secretariat. Details will be issued separately in due course by DPIIT.

[*Note:

- i. In respect of application of this Order to procurement by/ under State Governments, all functions assigned to DPIIT shall be carried out by the State Government concerned through a specific department or authority designated by it. The composition of the Registration Committee shall be as decided by the State Government and paragraph G above shall not apply. However, the requirement of **political and security clearance as per para D shall remain and no registration shall be granted without such clearance.**
- ii. Registration granted by State Governments shall be valid only for procurement by the State Government and its agencies/ public enterprises etc. and shall not be valid for procurement in other states or by the Government of India and their agencies/ public enterprises etc.]

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Annex II: Special Cases

- A. Till 31st December 2020, procurement of medical supplies directly related to containment of the Covid-19 pandemic shall be exempt from the provisions of this Order.
- B. *Bona fide* procurements made through GeM without knowing the country of the bidder till the date fixed by GeM for this purpose, shall not be invalidated by this Order.
- C. *Bona fide* small procurements, made without knowing the country of the bidder, shall not be invalidated by this Order.
- D. In projects which receive international funding with the approval of the Department of Economic Affairs (DEA), Ministry of Finance, the procurement guidelines applicable to the project shall normally be followed, notwithstanding anything contained in this Order and without reference to the Competent Authority. Exceptions to this shall be decided in consultation with DEA.
- E. This Order shall not apply to procurement by Indian missions and by offices of government agencies/ undertakings located outside India.

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Annex III

Model Clause /Certificate to be inserted in tenders etc.

(While adhering to the substance of the Order, procuring entities and GeM are free to appropriately modify the wording of the clause/ certificate based on their past experience, local needs etc.)

Model Clauses for Tenders

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.
- II. "Bidder" (including the term 'tenderer', 'consultant' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.
- III. "Bidder from a country which shares a land border with India" for the purpose of this Order means: -
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose *beneficial owner* is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above
- IV. The *beneficial owner* for the purpose of (iii) above will be as under:
 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation—

 - a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;

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- b. "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. *[To be inserted in tenders for Works contracts, including Turnkey contracts]* The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

Model Certificate for Tenders (for transitional cases as stated in para 3 of this Order)

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I hereby certify that this bidder is not from such a country and is eligible to be considered."

Model Certificate for Tenders

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the

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Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for Tenders for Works involving possibility of sub-contracting

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for GeM:

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this vendor/ bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this vendor/ bidder fulfills all requirements in this regard and is eligible to be considered for procurement on GeM. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

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S.No	GeM Category Name
1	Antivirus Device to Centrally Managed End Point Data Security System(MHA)
2	Audio and Video Capture cards
3	Blade Server 1
4	Camera for CCTV System
5	Video Recorder For Cctv System-IS 9000
6	Collaborative Interactive Display & Remote Meeting Platform
7	Cyber security software / appliances
8	CYBER SECURITY SOFTWARE/ APPLIANCES (Version 2.0)
9	Startup Runway - Cybersecurity
10	Data Wall Controller
11	Digital Base / Mobile Transceiver Set (MOBILE RADIO)
12	Digital Handheld Transceiver Set (HANDHELD RADIO)
13	Digital Repeater Set (RADIO REPEATER)
14	Email security software / appliances transaction security and virus protection software
15	Explosion Proof CCTV Camera
16	Hardware Security Module (HSM)
17	Hybrid Cloud Security Software
18	IP Telephony
19	Layer 2 Access Switch Rev 1
20	Layer 3 - Access Switch
21	Layer-3 Core Switch
22	Layer-3 Distribution Switch
23	Live Video Streaming Encoder
24	Long Range IR Laser PTZ Surveillance Cameras
25	Network / web security software appliances
26	Walkie Talkie
27	PTZ type UHD camera for campus security as per MHA QRs
28	Security and Protective Software including Antivirus
29	Security radar for cctv surveillance
30	Server
31	SFP module with installation suitable for CCTV System (Accessories)
32	Video Management System Software
33	Solar Powered Surveillance System With Street Light Illumination (Cctv System)-IS:13252
34	Storage System Rev 1
35	Surveillance Long Shot Camera with Accessories(Defence)
36	Surveillance type unmanned aerial vehicle (Drone Camera)
37	Switcher
38	Thermal & Bi-Spectrum Network CCTV Camera
39	thermal imager
40	Two Wheeled Day and Night Surveillance Robot
41	USB Camera for Video Conferencing System
42	Video Conferencing Camera
43	Video Conferencing End Point
44	Video Conferencing MCU
45	Wireless Access Point Rev 1
46	Operating System Software (Version 2.0)
47	Video Conferencing End Point with Integrated Display
48	Video Recorder For Cctv System-Is 9000
49	Camera For Cctv System
50	Thermal & Bi-Spectrum Network Cctv Camera
51	Biometric Access Control System
52	Body Worn Camera System
53	Docking Station
54	Under Vehicle Scanning System(Uvss) With Image & Automated License Plate Recognition System As Per Mha

55	Computer Servers-Is: 9000
56	Network Interface Card
57	Desktops
58	Notebook Computers-Laptop
59	Laptop-Notebook
60	Laptop Battery Pack (Rechargeable Battery)- Is: 16046
61	Server
62	Sip Ip Pbx
63	Telephone Instrument Single Push Button
64	All In One
65	Computer Workstation
66	Tablets
67	Tablet Icds
68	Ip Telephony
69	All In One Pc
70	Desktop Computers
71	Cctv Bundle Toolkit
72	Add On Phones/ Consols/ Endpoint For Pabx System
73	Video Conferencing End Point
74	Speakerphone
75	Add On Phones /Endpoint For Pabx System
76	Layer 2 Access Switch
77	Layer 3 Access Switch
78	Small Form-Factor Pluggable Transceiver
79	Tablet Computers
80	Telephone Instrument Single Push Button One Plus One And One Plus
81	Workstation
82	Port Fast Ethernet Poe Switch With 2 Gigabit Uplink
83	Thin Client Computers
84	Storage Server
85	Layer-3 Distribution Switch
86	Storage System
87	Aadhaar Enrolment Kit
88	Embedded Linux Based Biometric Attendance System
89	Wireless Access Point
90	Digital Keyboard (Ptz Joystick) Controller For Ptz Cctv Cameras
91	Explosion Proof Cctv Camera
92	Anpr Camera
93	Video Management System Software
94	Rugged Notebook-Laptop
95	Sfp Module With Installation Suitable For Cctv System (Accessories)
96	Network Switch-L3 For Cloud
97	Portable Hard Disk
98	Long Range Ir Laser Ptz Surveillance Cameras
99	Smart Phone With Mdm/Emm/Sdk-Is:13252
100	Smart Phones
101	Memory Card
102	Laptop For I Tax
103	Smart Phone
104	Special Purpose Telephones(Smart Phone For Icds)
105	Add On Gateways And Accessories For Pabx System
106	Desktop Computers 1
107	Micro Pc (Mpc)

108	Collaborative Interactive Display & Remote Meeting Platform
109	Video Conferencing End Point Full High Definition For Groups
110	Face Recognition Biometric Attendance System For Covid
111	Face Recognition Biometric Attendance System
112	Tablet Based Biometric Attendance System
113	Power Bank For Mobile And Laptops
114	Media Control Systems Or Wireless Presentation System
115	Video Conferencing Camera
116	Chromebooks
117	Authentication, Authorization And Accounting (Aaa) Server
118	2 Channel Video Player And Recorder
119	Semi Rugged Notebook - Laptop
120	Networking/Server Rack
121	Mobile Robots
122	Microphone
123	Micro Pc
124	Wireless Controller
125	Video Door Phones
126	8 Port Gb Switch With 2 Sfp Module
127	Body Worn Camera As Per Mha Qrs
128	Body-Worn Camera Docking Stations
129	Data Wall Controller
130	Enterprise Storage
131	Ir Camera
132	Layer 2 Access Switch Rev 1
133	Layer 3 - Access Switch
134	Mass Non Invasive Thermic Visualiser For Skin (Digital Thermal Scanner/Imager -Humanbody)
135	Planning Software Controlled Robotic Navigation System For Image Guided Interventions
136	Ptz Type Uhd Camera For Campus Security As Per Mha Qrs
137	Usb Camera For Video Conferencing System
138	Web Camera
139	Swan Server
140	Graphics Tablet
141	Aek Camera
142	Pbx-Is::9000
143	Hyper Converged Infrastructure For Data Center (Version 2.0)
144	Video Conferencing Mcu
145	San Switch
146	Home Wi-Fi Enabled Ont
147	Security Radar For Cctv Surveillance
148	Solar Powered Surveillance System With Street Light Illumination (Cctv System)-Is:13252
149	Router
150	Switcher
151	Blade Server
152	Blade Server 1
153	Chassis For Blade Server
154	Chassis For Blade Server-1
155	Hyper Converged Infrastructure Cluster For Mini-Clouds
156	Hyper Converged Infrastructure For Data Centers
157	Storage System Rev 1
158	Wi-Fi Hotspot (Wireless Access Point)
159	Celc Kit (Bal Aadhar Enrollment) - Tablet Computer
160	Smart Phone With Mdm On Seller Vm

161	Mcu For Full High Definition Video Conferencing System
162	Layer-2 Access Switch For Railways
163	Pabx System-Epabx
164	Celc Kit (Bal Aadhar Enrollment)
165	Wireless Access Point Rev 1
166	Swan Shq Core Router
167	Vpn Network Security Equipment
168	Object Storage
169	Host Bus Adapter
170	Hardware Base Recording And Streaming Unit Media Encoder For Video Conferencing System
171	Add On Cards And Accessories For Pabx System
172	Ip Encoder
173	Degausser
174	Thermal Detection Door
175	Thermal Imager
176	Random Access Memory
177	Telecommunication Cable
178	Keyboard And Mouse Combo
179	Liquid Crystal Display Lcd Panel Or Monitors
180	Keyboards-Is: 14441
181	Computer Mouse Or Trackballs
182	Televisions
183	Cat 6 Cable For Indoor Use
184	Dvd Writer
185	Cables Suitable For Cctv System (Accessories)
186	Interactive Panels And Accessories
187	Professional Large Format Display
188	Hard Disk Drives
189	Cat 6 Cable For Outdoor
190	Door Frame Metal Detector Dfmd Security Metal Detector
191	Headset Rev 1
192	Field Telephone Cable (Telecommunication Cable)
193	Fitness Band
194	Headset
195	Burglar Alarm
196	Hand Held Metal Detector - Security Metal Detector
197	Pen Drive Or Flash Drive
198	Data Wall Display
199	Driver Fatigue Monitor System
200	Drop Arm Barrier (Boom Barrier) (Mha)
201	Led Display System
202	Passive Night Vision Monoculars As Per Mha Qrs
203	Television Tv
204	Tripod Turnstile Gate(Mha)
205	Power Cable For Direct Burial Xlpe Ugac Cable-Is: 10418
206	It Media And Entertainment System
207	Industrial Grade Monitor
208	Infrared Medical Thermometer For Measuring Body Temperature
209	Night Vision Device - Night Vision Equipment
210	Tape Drive
211	Tape Library
212	Pa Speaker
213	Electronic Lectern
214	Led Luminaire (Recessed Luminaire)-Is:16108,Is:15885,Is: 10322,Is: 16103
215	Battery Chargers

216	Dc Regulated Power Supply
217	Manpower For Video Conferencing System
218	Cat 6 Patch Cord
219	Cat 6 Patch Panel



जेम

गवर्नमेंट ई मार्केटप्लेस

दक्ष • पारदर्शी • समावेशी

प्रशान्त कुमार सिंह, भा.प्र.से.
मुख्य कार्यकारी अधिकारी

P.K. SINGH, IAS
Chief Executive Officer



सत्यमेव जयते



भारत सरकार
वणिज्य एवं उद्योग विभाग
गवर्नमेंट ई मार्केटप्लेस
द्वितीय तल, जीवन तारा बिल्डिंग
पटेल चौक, नई दिल्ली-110001
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Ministry of Commerce & Industry
Government e Marketplace
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Tel : 011-23349186
e-mail : ceo-geM@gov.in

DO No.222/CEO-GeM/2022

8th July, 2022

Respected Sir,

GeM is the National Public Procurement portal for procurement of Goods and Services by Government Departments. You would be aware that GeM crossed the INR 1 Lakh Crore of procurement in a single fiscal year in FY 21-22. Cumulatively GeM has facilitated more than 1 crore transactions valued at over INR 2.5 Lakh Crore. The platform continues to evolve with newly added functionalities and features.

2. GeM was created to facilitate procurement by different Government organisations across the country. However, few cases of misuse of the platform by buyers have come to light, where some buyers are opting for BoQ based bidding or custom catalogue-based bidding for cases that are possible through regular catalogue/category-based bidding.

3. Attention is also invited to Office Memorandum No. F. No.6/18/2019-PPD dated 23-July-2020, issued by the Public Procurement Division, Department of Expenditure, Ministry of Finance, regarding Restrictions under rule 144 (xi) GFR in respect of bidders having beneficial ownership interests in land Border sharing countries, which mandates the following in respect of GeM:

- "The Government E-Marketplace shall, as soon as possible, require all vendors/bidders registered with GeM to give a certificate regarding compliance with this order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/until they are registered in accordance with this order."

4. As Custom / BoQ bids are manually created by Buyers, the Bidders and their Product Offerings in such bids are not validated by GeM. Such bidding may lead to violation of one or more of the following:

- Compliance of Restrictions under Rule 144 (xi) of GFR 2017: Restrictions on procurement from a bidder of a country which shares a land border with India:

GeM ensures compliance with Rule 144 (xi) of GFR 2017 and as such GeM GTC clause 26 regarding Restrictions on procurement from a bidder of a country which shares land border with India, stipulates that any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating

in a bid, the Bidder must ensure compliance of this through an undertaking and any false declaration or non-compliance of can be a ground for immediate termination of the contract and further legal action in accordance with law. In case of GeM category-based procurement bids, the Bidder status for critical categories is pre-checked / verified by QCI teams.

o MSE Purchase Preference:

In case of category-based bidding, the Bidder status, and its eligibility for MSE preference is pre-validated by GeM system. In BoQ and Custom bids such validations do not exist

o MII Purchase Preference:

Like in the case of MSE preference, the % of MII content etc. are declared by OEMs in case of category-based procurement. In BoQ and Custom bids such validations do not exist.

5. In Custom / BoQ bids, the credentials of sellers on their authorization by the OEM are not validated since there is no pre-uploaded catalogue or OEM mapping possible.

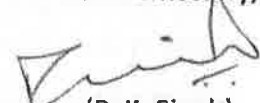
6. In view of the above, it is requested to kindly direct all officials under your administrative control to ensure that Custom catalogue and BoQ based bidding is not resorted to in respect of items for which regular categories exist on GeM. This is particularly important in respect of all Information Technology, Cyber Security, Surveillance and Medical Equipment categories etc. where there is possibility of data transfer through the equipment. In addition, adequate care needs to be taken by the Buyer to ensure compliance of the Restrictions under Rule 144(xi) of GFR, 2017, MSE and MII Purchase Preference while creating Custom or BoQ based bid for categories not available on GeM.

7. In respect of critical categories that are given in the attached list, GeM would be constrained to cancel any bid created by the Buyer using Custom / BoQ bid method for which regular categories exist on GeM, irrespective of the stage up to which the bid has progressed. This is an indicative list and GeM would continuously be identifying more such sensitive categories. Buyers are necessarily required to refrain from creating Custom / BoQ bids for any item for which regular category is available on GeM.

8. All buyers under your administrative control may kindly be sensitized about this issue to avoid any inconvenience or delay arising out of cancellation of the bid by GeM.

warm regards,

Yours sincerely,


(P. K. Singh)

To,
Secretaries of all Ministries /Departments.