

**PUBLIC WORKS DEPARTMENTMENT
OFFICE OF THE ENGINEER-IN CHIEF
12TH FLOOR MSO BUILDING, NEW DELHI**

No.E-in-Office/PWD/Dir(W)/4341

Dated: 22.12.2020

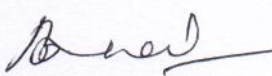
CIRCULAR/ENDORSEMENT

Sub: Circulation of Office Memorandums/letters , issued by the Ministry of Finance, Govt of India duly endorsed by the CPWD and Govt of NCT of Delhi, regarding some amendments of rules relating to bid security and performance security.

The copy of the under mentioned orders are forwarded herewith for information and necessary action to the following.

1. All the Principal Chief Engineers, PWD Govt of NCT of Delhi.
2. All the Chief Engineers, PWD Govt of NCT of Delhi.
3. All the Superintendent Engineers , PWD, Govt of NCT of Delhi
4. All the Executive Engineers, PWD Govt of NCT of Delhi.
5. PWD website with the request to upload the same on the website of the Department. All the Divisions /Circles/ Zones of PWD, Govt of NCT of Delhi will download the same from the website. No hardcopy of the letter with its enclosures will be dispatched to any divisions.

This issues with the prior approval of Engineer-in-Chief.


(P.U.BHAT)
DCA-IFA

List of papers/OMs forwarded.

S.No.	Name of the Department/Ministry which issued the OMs	OM No. and date	Subject
1	Ministry of Finance, Govt of India , duly endorsed by the Govt of NCT of Delhi	OM No.F.9/4/220 PPD dated 12-11-2020 GNCTD endorsement No.F.(22)/Fin.(Estt.III)2020 /dSIV/182 dated 25-11-2020	Additional performance security in case of Abnormally low bids
1	Ministry of Finance, Govt of India , duly endorsed by the CPWD/ Govt of NCT of Delhi	OM No.F.9/4/220 PPD dated 12-11-2020 GNCTD endorsement No.F.(22)/Fin.(Estt.III)2020 /dSIV/182 dated 25-11-2020	Performance Security
1	Ministry of Finance, Govt of India , duly endorsed by the CPWD/ Govt of NCT of Delhi	OM No.F.9/4/220 PPD dated 12-11-2020 GNCTD endorsement No.F.(22)/Fin.(Estt.III)2020 /dSIV/182 dated 25-11-2020	Bid security /Earnest Money Deposit

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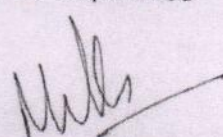
F.(22)/FIN.(ESTT.-III)/2020/STV/182.
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE (Estb.-III) DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI-110002.
(CD:-012609492)

Dated: 25/11/2020

ENDORSEMENT

The copy of under mentioned paper is forwarded herewith for information and necessary action to the following:-

1. All Heads of Department, Govt. of NCT of Delhi.
2. All Pay & Accounts Officers, Pay and Accounts Office, Vikas Bhawan. Govt. of NCT of Delhi.
3. All Heads of Autonomous Bodies, Govt. of NCT of Delhi.
4. Commissioner M.C.D.(North, East & South), Town Hall, Chandni Chowk, Delhi.
5. Chairperson, NDMC, Palika Kendra, New Delhi.
6. Chief Executive Officer, Delhi Cantonment Board, Delhi.
7. CEO, Delhi Urban Shelter Improvement Board, I.P. Estate, New Delhi.
8. Guard File.
9. Sr. Analyst with the request to upload the same on Website of Finance Department and all the Departments are requested to download the same from Website of Finance Department (No hardcopy of enclosures will be dispatched to any organisation/deptt.)


(MANOJ KUMAR)
Deputy Secretary-IV

List of paper forwarded

S. No.	Name of the Ministry/Deptt.	O.M./Order No. and Date	Subject
1.	Procurement Policy Division, Department of Expenditure, Ministry of Finance, Government of India.	OM No. F.9/4/220-PPD	Additional Performance Security in case of Abnormally Low Bids (ALBs)
2.	Procurement Policy Division, Department of Expenditure, Ministry of Finance, Government of India.	OM No. F.9/4/220-PPD	Performance Security.
3.	Procurement Policy Division, Department of Expenditure, Ministry of Finance, Government of India.	OM No. F.9/4/220-PPD	Bid Security/Earnest Money Deposit

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No. F.9/4/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

512, Lok Nayak Bhawan, New Delhi
Dated the 12th November 2020

OFFICE MEMORANDUM

Subject: Additional Performance Security in case of Abnormally Low Bids (ALBs).

The Government is in receipt of many representations that on account of slowdown in economy due to the pandemic, there is acute financial crunch among many commercial entities and contractors, which in turn is affecting timely execution of the contracts. It has also been represented that this may affect the ability of contractors to bid in tenders and hence reduce competition. Requests are being received for reduction in quantum of Security Deposits in the Government contracts.

2. In this context, it is noted that Additional Performance Security in case of Abnormally Low Bids (ALBs) is being taken from the contractors by various Ministries/ Departments though there is no provision for the same in General Financial Rules (GFRs) 2017 or the Manuals for Procurement issued by this Department.

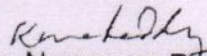
3. As per para 7.5.7 of the Manual for Procurement of Goods 2017 issued by this Department, an Abnormally Low Bid is one in which the bid price, in combination with other elements of the Bid, appears so low that it raises material concerns as to the capability of the bidder to perform the contract at the offered price. Procuring Entity may in such cases seek written clarifications from the bidder, including detailed price analyses of its bid price in relation to scope, schedule, allocation of risks and responsibilities, and any other requirements of the bids document. If, after evaluating the price analyses, Procuring Entity determines that the bidder has substantially failed to demonstrate its capability to deliver the contract at the offered price, the Procuring Entity may reject the bid/ proposal. However, it would not be advisable to fix a normative percentage below the estimated cost, which would be automatically be considered as an abnormally low bid. Due care should be taken while formulating the specifications at the time of preparation of bid document so as to have a safeguard against the submission of abnormally low bid from the bidder.

4. In view of above, it is reiterated that no provisions should be kept in the Bid Documents regarding Additional Security Deposit/ Bank Guarantee (BG) in case of Abnormally Low Bids.

5. Wherever, there are compelling circumstances to ask for Additional Security Deposit/ Bank Guarantee (BG) in case of ALBs, the same should be taken only with

the approval of the next higher authority to the authority competent to finalise the particular tender, or the Secretary of the Ministry/ Department, whichever is lower.

6. These instructions will be applicable for all kinds of procurements viz. Goods, Consultancy, Works, non-consulting Services etc.


(Kotluru Narayana Reddy)
Deputy Secretary to the Govt. of India
Tel: 24621305
Email: kn.reddy@gov.in

To,

All the Secretaries and Financial Advisers to Government of India

Copy to: Secretary, Department of Public Enterprises with a request to issue the same instructions to Central Public Sector Undertakings (CPSUs).

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No. F.9/4/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

512, Lok Nayak Bhawan, New Delhi
Dated the 12th November 2020

OFFICE MEMORANDUM

Subject: Performance Security.

As per Rule 171 of General Financial Rules (GFRs) 2017, Performance Security is to be obtained from the successful bidder awarded the contract for an amount of five to ten percent of the value of the contract to ensure due performance of the contract. Similar provisions also exist in the Manual for Procurement of Works 2019 and Manual for Procurement of Consultancy & other Services 2017 issued by this Department.

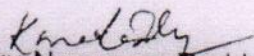
2. The Government is in receipt of many representations that on account of slowdown in economy due to the pandemic, there is acute financial crunch among many commercial entities and contractors, which in turn is affecting timely execution of the contracts. It has also been represented that this may affect the ability of contractors to bid in tenders and hence reduce competition. Requests are being received for reduction in quantum of Security Deposits in the Government contracts.
3. In view of all above, it is decided to reduce **Performance Security from existing 5-10% to 3% of the value of the contract** for all existing contracts. However, the benefit of the reduced Performance Security will not be given in the contracts under dispute wherein arbitration/ court proceedings have been already started or are contemplated.
4. Further, all tenders/ contracts issued/ concluded till 31.12.2021 should also have the provision of reduced Performance Security.
5. In all contracts where Performance Security has been reduced to 3% in view of above stipulations, the reduced percentage of Performance Security shall continue for the entire duration of the contract and there should be no subsequent increase of Performance Security even beyond 31.12.2021.

Similarly, in all contracts entered into with the reduced percentage of Performance Security of 3%, there will be no subsequent increase in Performance Security even beyond 31.12.2021.
6. Wherever, there is compelling circumstances to ask for Performance Security in excess of three percent as stipulated above, the same should be done only with the approval of the next higher authority to the authority competent to finalise the

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particular tender, or the Secretary of the Ministry/ Department, whichever is lower. Specific reasons justifying the exception shall be recorded.

7. These instructions will be applicable for all kinds of procurements viz. Goods, Consultancy, Works, non-consulting Services etc and are issued under Rule 6(1) of the GFRs 2017.


(Kotluru Narayana Reddy)

Deputy Secretary to the Govt. of India

Tel: 24621305

Email: kn.reddy@gov.in

To,

All the Secretaries and Financial Advisers to Government of India

Copy to: Secretary, Department of Public Enterprises with a request to issue the same instructions to Central Public Sector Undertakings (CPSUs).

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No. F.9/4/2020-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

512, Lok Nayak Bhawan, New Delhi
Dated the 12th November 2020


OFFICE MEMORANDUM

Subject: Bid Security/ Earnest Money Deposit.

The Government is in receipt of many representations that on account of slowdown in economy due to the pandemic, there is acute financial crunch among many commercial entities and contractors, which in turn is affecting timely execution of the contracts. It has also been represented that this may affect the ability of contractors to bid in tenders and hence reduce competition. Requests are being received for reduction in quantum of Security Deposits in the Government contracts.

2. As per Rule 170 of General Financial Rules (GFRs) 2017, Micro and Small Enterprises (MSEs) and the firms registered with concerned Ministries/ Departments are exempted from submission of Bid Security. Further, in lieu of Bid Security, Ministries/ Departments may ask bidders to sign "Bid Security Declaration" accepting that if they withdraw or modify their bids during period of validity etc., they will be suspended for the time specified in the tender documents. Similar provisions also exist in the Manuals for Procurement of Works 2019 and Manual for Procurement of Consultancy & other Services 2017.
3. In this context it is noted that Bid Security (also known as Earnest Money Deposit) is still being taken from the contractors by the various Ministries/ Departments, though the relaxations have already been provided in General Financial Rules (GFRs) 2017.
4. In view of above, it is reiterated that notwithstanding anything contained in Rule 171 of GFRs 2017 or any other Rule or any provision contained in the Procurement Manuals, **no provisions regarding Bid Security should be kept in the Bid Documents in future and only provision for Bid Security Declaration should be kept in the Bid Documents.**
5. Wherever, there are compelling circumstances to ask for Bid Security, the same should be done only with the approval of the next higher authority to the authority competent to finalise the particular tender or the Secretary of the Ministry/ Department, whichever is lower.
6. The above instructions will be applicable for all the tenders issued till 31.12.2021.

7. These instructions will be applicable for all kinds of procurements viz. Goods, Consultancy, Works, non-consulting Services etc and are issued under Rule 6(1) of the GFRs 2017.


(Kotluru Narayana Reddy)
Deputy Secretary to the Govt. of India
Tel: 24621305
Email: kn.reddy@gov.in

To,

All the Secretaries and Financial Advisers to Government of India

Copy to: Secretary, Department of Public Enterprises with a request to issue the same instructions to Central Public Sector Undertakings (CPSUs).



CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No. DG/ CON/Misc./14

ISSUED BY AUTHORITY OF DIRECTOR GENERAL, CPWD

NIRMAN BHAWAN, NEW DELHI

DATED 23-11-2020

Subject: - Reduction in Performance Guarantee as per OM No.F.9/4/2020-PPD dated 12.11.2020 issued by the Department of Expenditure, Ministry of Finance.

A copy of Office Memorandum No.F.9/4/2020-PPD dated 12.11.2020 issued by the Department of Expenditure (Procurement Policy Decision), Ministry of Finance is enclosed for compliance. As mentioned in paragraph 4 of the said OM, all tenders/contracts issued/concluded till 31.12.2021 should also have the provision of reduced Performance Security.

This issues with the approval of Director General, CPWD.

Encl: OM dated 12.11.2020

(V. P. Sahu)

Superintending Engineer (C&M)

Issued from file No. CSQ/CM/17(1)/2020 e-file - 9098045

Copy to: All the officers of CPWD/PWD Delhi.

Superintending Engineer (C&M)



CENTRAL PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

No. DG/ CON/Misc./13

ISSUED BY AUTHORITY OF DIRECTOR GENERAL, CPWD

NIRMAN BHAWAN, NEW DELHI

DATED 23-11-2020

Subject: Relaxation for Earnest Money Deposit as per OM No. F-9/14/2020-PPD dated 12.11.2020 issued by the Department of Expenditure.

A copy of OM No.F-9/14/2020-PPD dated 12.11.2020 issued by the Department of Expenditure (Procurement Policy Division), Ministry of Finance is enclosed for compliance. These instructions are applicable for all the tenders issued till 31.12.2021.

This issues with the approval of Director General, CPWD.

- Encl: 1. OM dated 12.11.2020
2. Proforma for Earnest Money Declaration

(V.P. Sahu)

Superintending Engineer (C&M)

Issued from the file no. CSQ/CM/17(1)/2020
e-file no. 9098045

Copy to: CPWD/PWD Delhi officers for necessary action.

Superintending Engineer (C&M)