

34.0 Conditions of tenders-In Compliance to insertion of Rule 144 (xi) in the General Financial Rules (GFRs),2017 vide office OM no. 6/18/2019-PPD dated 23" July 2020 issued by Ministry of Finance, Government of India, the following is stated:-

34.1.0 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.

34.2.0 "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.

34.3.0 "Bidder from a country which shares a land border with India" for the purpose of para 34.1.0 above 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; or
- h. A System Integrator which is offering products/services from entities falling under any of the above.

34.4.0 The beneficial owner for the purpose of para 34.3.0 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, has a controlling ownership interest or who exercises control through other means.

Explanation—

GCC of CRIS

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 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;

(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.

34.5.0 An Agent is a person employed to do any act for another, or to represent another in dealings with third person.

34.6.0 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.

34.7.0 Bidders will submit the certificate for Compliance as per Annexure-12 of the GCC of the CRIS alongwith their Bid/Offer.

34.8.0 Bidders may please note that in the event of acceptance of their bid on the certificate for compliance given by them and if the same is found to be false at any stage, the false certificate would be a ground for immediate termination of contract and further legal action in accordance with the Law.

Annexure-12

Certificate from Bidder for compliance (to be uploaded/attached alongwith their Bid/Offer)

I have read the clause/Para 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.

(a). I certify that M/s_____ (name of Bidder) is not from such a country and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I also certify that M/s_____ will not offer any products/services of entity from such countries unless such entity is registered with the Competent Authority.

or

(b) I certify that M/s_____ (name of Bidder) is from such a country and has been registered with the Competent Authority. I also certify that M/s_____ has products/services of entity from such countries and these entity/entities are also registered with the Competent Authority. I also certify that M/s_____ has sub-contracted some work to a contractor from such countries and that such contractor is registered with the Competent Authority.

I hereby certify that M/s_____ (name of Bidder) fulfills all requirements in this regard and is eligible to be considered.

I hereby acknowledge that in the event of acceptance of my bid on above certificate and if the certificate is found to be false at any stage, the false certificate would be a ground for immediate termination of contract and further legal action in accordance with the Law.

(Signature & Name of Authorized person of the Bidder)
Name & address of the Bidder with stamp

- Note: 1. Give certificate for either **(a)** or **(b)**
2. Where applicable, evidence of valid registration by the Competent Authority shall be attached/uploaded alongwith the bid/offer
3. Bidders are advised to attach/upload the certificate duly signed by authorized person of the Bidder and duly stamped alongwith their Bid/Offer