


केंद्रीय विद्यालय संगठन Kendriya Vidyalaya Sangathan
18, संस्थानिक क्षेत्र/ 18, Institutional Area
शहीद जीत सिंह मार्ग/ Shaheed Jeet Singh Marg
नई दिल्ली-16/ New Delhi - 16

F.No.110239/51/Cir./2016/KVS (Budget)

Dated: 17.10.2016

The following orders issued by Government of India are uploaded on the KVS Website for information and necessary action.

1. G.I., Min.of Fin.,OM.No.F.29/1/2015-PPD dated 13th April, 2016 regarding Amendment to the Rule 126 of General Financial Rule, 2005.
2. G.I.,Min.of Fin.,OM.No.F.26/4/2016-PPD dated 3rd May, 2016 regarding Insertion of Rule 141 A after Rule 141 in General Financial Rules (GFR), 2005.
3. G.I., Min.of Fin.,OM.No.26/6/12-PPD dated 21st January, 2013 regarding Procurement of energy efficient electrical appliances.
4. G.I.Min. of Fin., OM No.26/5/2013-PPD dated 25th April,2013 regarding Implementation of Court Order dated 13.4.2012, passed by the Hon'ble Delhi High Court in WP(c)No.2092/2012.


(S.Muthusivamy)
Deputy Commissioner (Fin.)
Tel.No:26523070

Copy to:

1. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, All Regional Offices.
2. The Finance Officer, Kendriya Vidyalaya Sangathan, All Regional Offices.
3. All Officers/Sections at Kendriya Vidyalaya Sangathan (HQ.).
4. Principal, Kendriya Vidyalaya, Kathmandu/Moscow/Tehran.
5. The General Secretary, All Recognized Associations of KVS.
6. The Director, ZIET, Gwalior, Mumbai, Mysore, Chandigarh & Bhubaneswar.
7. ✓ The Deputy Commissioner, (EDP Cell) KVS (HQ.) with the request to upload the above circulars on the KVS Web-site under 'announcement'.
8. RTI Cell KVS (Hq.)
9. Guard File.

①

No.F.29/1/2015-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

516, Lok Nayak Bhawan, New Delhi
Dated the 13th April, 2016

OFFICE MEMORANDUM

Subject : Amendment to the Rule 126 of General Financial Rule, 2005 –
regarding.


Rule 126 of the GFR pertaining to the execution of the work by Public Works Organisations (PWOs) were last amended by this office O.M. No.15 (1)/E-II(A)/2010 dated 20th August, 2010.

2. This department has been receiving references from various Ministries/ Departments seeking clarifications, whether award of contract to PWOs/PSUs by the Government Ministries/ Department should be on the basis of competitive bidding among the PWOs/PSUs or on a nomination basis. Hence, it is decided that the existing provision of Rule 126 at Chapter 5 of General Financial Rule, 2005 which deals with "Works" shall be substituted by the provision indicated in the Annexure of this Office Memorandum.

3. This order will take effect from the date of issue of this Office Memorandum.

4. All Central Government Ministries/ Departments are requested to bring this amendment to the notice of all their attached and subordinate offices for their information.

5. This O.M. is also available on our website <http://finmin.nic.in>→Departments→Expenditure→Procurement Policy Division. Hindi version of this O.M. will follow.


(Vinayak T. Likhar)
Under Secretary (PPD)
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To
Secretaries & Financial Advisers of all Ministries/ Departments of the Government of India.

ANNEXURE

AMENDMENT TO GENERAL FINANCIAL RULE, 2005

CHAPTER – 5 - The existing provision of Rule 126(1) to (4) may be replaced by the following.

Rule 126(1):- A Ministry or Department at its discretion may directly execute repair works estimated to cost upto Rupees Thirty Lakhs after following due procedure indicated in Rule 132.

Rule 126(2):- A Ministry or Department may, at its discretion, assign repair works estimated to cost above Rupees thirty Lakhs and original works of any value to any Public Works Organisation (PWO) such as Central Public Works Department (CPWD), State Public Works Department, others Central Government organisations authorised to carry out civil or electrical works such as Military Engineering Service (MES), Border Roads Organisation (BRO), etc. or Ministry/ Department's construction wings of Ministries of Railways, Defence, Environment & Forests, Information & Broadcasting and Departments of Posts, and Space etc.

Rule 126(3) - As an alternative to 126(2), a Ministry or Department may assign repair works estimated to cost above Rupees thirty Lakhs and original works of any value to any Public Sector Undertaking set up by the Central or State Government to carry out civil or electrical works or to any other Central/ State Government organisation /PSU which may be notified by the Ministry of Urban Development (MoUD) for such purpose after evaluating their financial strength and technical competence.

However, for the award of work under this sub-rule, the Ministry/ Department shall ensure competition among such PSUs/ organizations. This competition shall be essentially on the lump sum service charges to be claimed for execution of work.

Rule126(4):- Delete

(Min. of Fin.(Exp.) O.M. No. F.29/1/2015-PPD dated the 13th April, 2016)

No.F.26/4/2016-PPD
Government of India
Ministry of Finance
Department of Expenditure
Procurement Policy Division

516, Lok Nayak Bhawan,
New Delhi.
Dated the, 3rd May, 2016.


OFFICE MEMORANDUM

Subject: Insertion of Rule 141A after Rule 141 in General Financial Rules (GFR), 2005.

This Department has received the proposal from Ministry of Commerce and Industry, Department of Commerce (DoC) regarding creation of Government e-Marketplace (GeM) by Directorate General Supply and Disposal (DGS&D). In order to facilitate the same, it is decided to insert new Rule 141A in General Financial Rules (GFR), 2005 on the proposed GeM as per Annexure to this O.M.

2. All Central Government Ministries/ Departments are requested to bring this amendment to the notice of all their Attached and Subordinate offices for their information.

3. This OM is also available on our website www.finmin.nic.in---> Departments---> Expenditure---> Procurement Policy Division.


(Vinayak T Likhar)
Under Secretary
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vinayak.likhar@nic.in

To,

Secretaries & Financial Advisers of all Ministries/Departments of the Government of India.

No. 26/6/12-PPD
 Government of India
 Ministry of Finance
 Department of Expenditure
 (Procurement Policy Division)

North Block, New Delhi
 Dated : 21st January, 2013.

OFFICE MEMORANDUM

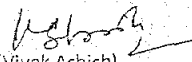
Subject:- Procurement of energy efficient electrical appliances.

In order to effect energy savings in the long-term by promoting procurement of energy efficient equipment, there is a need for Ministries/Departments to procure energy efficient appliances. In this context it has been decided, in consultation with Ministry of Power and the Bureau of Energy Efficiency (BEE), that all Ministries/Department and their attached and subordinate offices would, while procuring appliances indicated in Para 2 of this OM, ensure that they carry the threshold BEE Star Rating indicated against them, or higher. The threshold ratings have been finalized based on a life cycle cost analysis carried out by BEE.

2. The appliances and the minimum threshold BEE Star rating are tabulated below:

Appliance	Threshold star rating
Split Air Conditioners	5 star (under normal conditions where annual usages are expected to be more than 1000 hrs.)
	3 star (where usage of AC is limited, eg. In Conference Rooms)
Frost Free Refrigerators	4 Star
Ceiling Fans	5 Star
Water Heaters	5 Star

3. It may be noted that GFR provisions and all extant rules/guidelines of procurement would apply. Ministry of Power and BEE have confirmed that adequate number of manufacturers/models of the prescribed Star rating are available to enable competitive procurement.


 (Vivek Ashish)

Under Secretary to the Government of India
 Tele.No. 2309 5629

To:

- i) Secretaries of all Ministries/Departments
- ii) FAs of all Ministries/Departments.

No.26/5/2013-PPD
Government of India
Ministry of Finance
Department of Expenditure
(Procurement Policy Division)

North Block, New Delhi
Dated 25th April, 2013

Office Memorandum

Subject:- Implementation of Court Order dated 13.4.12, passed by the Hon'ble Delhi High Court in WP(C) No. 2092/2012.

It has been observed that there are many instances of a tender being rejected or tender documents not being issued and when the party enquires reasons, the same are not communicated, leading to unnecessary litigation. In such cases the first round of litigation is to find out the reasons and the second round is to challenge the reasons.

2. In this context, the Hon'ble Delhi High Court, in its Final Order in WP(C) No. 2092/2012, has directed that a communication be circulated to all Government Departments to disclose reasons in such cases where enquiries are made by a contracting party, so as to avoid unnecessary litigation.

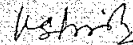
3. In this context it is mentioned that procurements made by the Central Government are regulated by the General Financial Rules (GFRs), 2005 and manuals and procedures issued there-under. While Chapter 6 of the GFRs contains the general rules applicable to all Ministries/Departments regarding procurement of goods required for use in public service, detailed instructions relating to procurement of goods are required to be issued by the procuring departments. These instructions need to be broadly in conformity with the general rules contained in this Chapter.

4. Further, in terms of Rule 137 of GFRs, 2005, every authority delegated with the financial powers of procuring goods in public interest shall have the responsibility and accountability to bring transparency in matters relating to public procurement and for fair and equitable treatment of suppliers and promotion of competition in public procurement.

5. Attention is also invited to Rule 160 of the GFRs which lists out certain measures required to be taken to ensure that all Government purchases are made in a transparent manner. Rule 160(ii) stipulates that suitable provision in the bidding document should be made to enable a bidder to question the bidding conditions, bidding process and/or rejection of its bid.

6. It may therefore be ensured that necessary instructions be issued (if not already in place) to all the procuring authorities to the effect that a provision, in line with Rule 160 (ii) of the GFRs should invariably be made in the bidding documents. The reasons for rejecting a tender or non-issuing a tender document to a prospective bidder must be disclosed where enquiries are made by the bidder.

7. The undersigned is also directed to forward herewith a copy of the Order dated 13th April, 2012, passed by Hon'ble High Court of Delhi in WP(C) No. 2092/2012: M/s. Amit Brothers vs Chief Engineer R&D and Another. The importance of complying with the Court Order in letter and spirit cannot be over-emphasized.



(Vivek Ashish)

Under Secretary to the Government of India

Tel: 23095629

To

1. The Secretaries of the Ministries/Departments of the Govt. of India
2. The Financial Advisers of the Ministries/Departments of the Govt. of India