

**Energy Efficiency Services Limited (EESL)
(SCM DEPARTMENT)
Circular No. 19/2022**

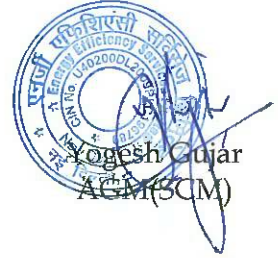
Ref: EESL/2021-22/SCM/PS/Circular/

Date: 15-02-2022

Sub: Implementation of GoI guidelines in respect of Public Procurement

- 1.0 As per Clause B 29.1 of EESL procurement policy, in general cases, Contract Performance Guarantee (CPG) shall be kept at 10% of the total award value.
- 2.0 Office Memorandum No F.9/4/2020-PPD, was issued by the Procurement Policy Division, Department of Expenditure, Ministry of Finance on 12.11.2020 regarding reduction of Performance Security from existing 5-10% to 3% of the Contract Value.
- 3.0 Accordingly, EESL has issued internal *Circular No-15* dated 08.12.2020 circulating the above OM for taking its cognizance by all concerned stakeholders.
- 4.0 In continuation to the above, DoE Ministry of Finance vide OM dated 30th December 2021 has now extended the validity of said OM dated 12.11.2020 regarding "Performance Security" till 31.03.2023.
- 5.0 The instructions issued by above referred OM dated 30.12.2021 is to be taken cognizance of by all the concerned stakeholders for necessary compliance.

This is issued with the approval of competent authority.



Enclosure:

1. Office Memorandum No. F.9/4/2020-PPD dated: 30-12-2021 issued by Procurement Policy Division, Department of Expenditure, Ministry of Finance.

Distribution:

All department Heads/Business Unit Heads(BUH) and Cluster Heads

Copy for kind information to:

- Group Executive Director (P&BD)
- Group Executive Director (Comm.)
- CEO, EESL

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

264-C, North Block, New Delhi.
30th December, 2021.

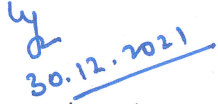
OFFICE MEMORANDUM

Subject: Performance Security.

The undersigned is directed to refer to this Department's OM of even number dated 12.11.2020 (copy enclosed) regarding the subject cited above and to say that it has been decided to extend the validity of the said OM dated 12.11.2020 regarding "Performance Security" till 31.03.2023.

2. This OM is also available on the website of Department of Expenditure; www.doe.gov.in -> Notification -> Circular --> Procurement Policy OM.

Encl. : As above.


Kanwalpreet
Director (Procurement Policy)
Tel.: 23093811
Email: kanwal.irss@gov.in

To

Secretaries of All Central Government Ministries/ Departments

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

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

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).