

**ENERGY EFFICIENCY SERVICES LIMITED (EESL)**  
**(SCM DEPARTMENT)**  
**Circular No. 20/2022**

REF.: EESL/2021-22/SCM/PS/Circular/

DATED: 02.03.2022

**Subject: Process for nomination of firm on Single Tender basis.**

1. The Management has taken cognizance of the present process for nomination of firm on Single Tender basis and desired that some immediate procedural modifications are required in this regard.
2. It may be mentioned that the process of selecting a firm for award of any job/ works/ assignment (as per the requirement) was reviewed, as the same invariably leads to increase of pre-award cycle time and many a times with no desired result(s). After review and deliberation, the following is approved:

**2.1 Process for Award on Single Tender Nomination basis**

- 2.1.1 As a matter of general policy, Open Competitive Bidding shall be the preferred mode of bidding. However, for the reasons duly justified by the Indenting Department and approved by the Competent Authority as per the applicable Delegation of Powers of EESL, the Limited Tender Invitation (based on the experience, available resources of the desired product & services available in the market, for which the Indenting Department shall propose the list of shortlisted vendors / service providers / firms) or Single Tender Invitation (from shortlisted party by the Indenting department, based on the permissible circumstances of PAC / Source Standardization / Urgency etc., as per the policy, guidelines and DOP) may be resorted.

It is important that tendering activities of all the planned works should be initiated in advance in order to avoid forced urgencies and making the same as reason for going for Limited / Single Tender Invitation mode of procurement. The approach of getting the work executed and then taking the post - facto approvals from the competent authority is to be avoided.

- 2.1.2 In regard to the Single Tender Nomination Basis, it is important that the justification for selection of a party and going for award on it should be appropriately recorded in approval note. Quotation from prospective party should be invariably obtained from the party for the firmed up Technical Specifications and important terms & conditions (such as but not limited to completion time and warranty,). The price quotation(s)



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from the party(ies) and/or the price benchmarking from other source (such as previous purchases etc.) should be analyzed for reference and presented in the proposals to be initiated by the Indenting Department(s), so that the same could be referred to for price comparison / price negotiation before placement of award. The approval of such proposals should invariably be taken from the Competent Authority as per the applicable Delegation of Powers.

*It is important that the above aspects are also followed in Limited Tender Basis (wherein, however, after approval, invitations shall be extended by SCM (after due approval from the Competent Authority) for submission of their bids and evaluation etc. for selecting the party for award, as per the terms of the RfP).*

2.1.3 The quotation obtained for Single Tender Nomination Basis (i.e., Single Source Procurement), as detailed at para 2.1.2 above primarily for the purpose of estimating the cost may also be considered as a basis for finalizing the award after requisite contractual and other tie-ups with the firm/ vendor.

2.1.3.1 For finalization of the important contractual and other tie-ups such as but not limited to complete scope of work to be executed (*with specific reference to exclusions, if any for the sake of clarity*), Technical Specification, Warranty, Contract Performance Guarantees and/ or other guarantees, as required, Insurance, Completion Schedule, Payment Terms, Quantity Variation / Change Order, Liquidated Damages and/ or other penalty, Risk & Cost provisions, Adjudication & Arbitration, Termination of Contract or any project specific conditions, the indenting department while putting up the proposal as per 2.1.1 and 2.1.2 above shall request for nomination and approval of a committee comprising the members of Indenting, SCM and Finance Department. The Term of Reference of the said committee shall be to negotiate the terms & conditions of the contract (as above), finalize the consideration (i.e., *price negotiation with reference to the available bench marking etc.*) and put up the recommendations to the award etc. to the competent authority.

2.1.3.2 Levels of members required for constitution of committee, as per 2.1.3.1 above and Competent Authority to approve the same shall be as per the Delegation of Powers (*the Competent Authority shall be the authority competent to approve the Tender Committee*). The DOP under which the proposal is put up to an authority should be clearly spelt out in the proposal. In case of relaxation, if any, for lower level as permissible, should be taken from the Competent Authority with proper justification in the proposal.



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- 2.1.3.3 While putting up the proposal of recommendations by the nominated committee, as per 2.1.3.1 above, the record notes of discussions with the party (confirming agreements) along with any important conditions such as waiver of CPG / LD provisions must be presented clearly in the proposal for consideration of the Competent Authority.
- 2.1.4 After approval of the Competent Authority as mentioned at para 2.1.3.3 above, the award of contract, as per the quotation of the party and agreement reached for contractual and technical tie-ups, as per 2.1.3 and its sub clauses above shall be released as per the process being followed for issuance of award.
- 3 The subject Circular shall supersede the process mentioned at sl. no. (c) & (d) under clause B 7.4 (Single Tender Invitation) of the Guidelines, Policy and Procedure for Procurement of Goods, Works and Non-Consulting Services of EESL.
- 4 This is issued with the approval of Competent Authority.



*02/03/2022*

**Kaushalendra Singh**  
**DGM (SCM)**

**CIRCULATION:**

**All Department Heads/ Business Unit Heads (BUH) and Cluster Heads**

**Copy for kind information to:**

- Group Executive Director (Projects)**
- Group Executive Director (Commercial)**
- CEO, EESL**