

Amendments - 2 to the RFE published dtd. 21st April, 2022

Dated: 22nd June 2023

Subject: Amendment in the Blacklisting/ Debarment provisions in the AMISP RFE issued under RDSS

In reference to the clarifications sought by various stakeholders on the provisions for blacklisting/ debarment, it may be noted that State Govt. Ministries/ Departments/ organizations are also free to adopt any of the rules prescribed under the GFR-2017 (or amendments thereto) or any other rule/procedure framed under it. Accordingly, to align the blacklisting/ debarring provisions, the relevant clauses in the RFE are modified as below.

Existing Clause	Modified Clause
<p>Clause (A)(2) under Section 2 of the RFE</p> <p><i>“2. The Applicant shall be ineligible to apply for Empanelment in the event it is banned/ debarred/ blacklisted by REC Ltd. or any of its subsidiaries/ PFC Ltd. or any of its subsidiaries/ Government of India/ Ministry of Power/ any Regulatory Authority/any State Government/ Central or State PSU, as on the date of submission of the application.”</i></p>	<p><i>“2. The Applicant shall be ineligible to apply for Empanelment in the event it is banned/ debarred/ blacklisted/ suspended, as on the date of submission of the application:</i></p> <ul style="list-style-type: none"> <i>a) due to conviction of an offence</i> <ul style="list-style-type: none"> <i>(i) under the Prevention of Corruption Act, 1988; or,</i> <i>(ii) the Indian Penal Code or any other law for the time being in force, for causing any loss of life or property or causing threat to public health as part of execution of a public procurement contract</i> <i>b) through any order/ list issued by Department of Expenditure (DoE), Ministry of Finance (MoF)</i> <i>c) due to breach of code of integrity as per Rule 175 of GFRs 2017 in any Govt. Organization or regulatory agencies or Govt. undertaking.</i> <i>d) by any Ministry/ Department/ Organization under the Central Govt. of India</i> <p><i>This clause shall be interpreted in-line with Rule 151 of GFRs, 2017 along with any guidelines/ amendment issued by DoE, MoF”</i></p>
<p>Clause 3.1 in Section-I under Section 3 of the RFE</p> <p><i>“3.1 The Eligibility & Qualification requirements for the Applications who choose to submit Applications against the RFE, and associated Services, are</i></p>	<p><i>“3.1 The Eligibility & Qualification requirements for the Applications who choose to submit Applications against the RFE, and associated Services, are</i></p>

Existing Clause	Modified Clause
<p>given in Section 2. Applications, if any, from Applicants and/or offering Services not complying with the same shall be outrightly rejected and shall not be considered for evaluation</p> <p>An Applicant shall not be under suspension by Empaneling Entity or by any other PSUs, Central Government and or State Government. An Applicant shall provide such documentary evidence in support of eligibility and other additional requirements or on any other matter or issue related to or in connection with its Application to the satisfaction of Empaneling Entity, failing which its Application is liable to be rejected.”</p>	<p>given in Section 2. Applications, if any, from Applicants and/or offering Services not complying with the same shall be outrightly rejected and shall not be considered for evaluation</p> <p>An Applicant shall not be under suspension/ ban/ debarment/ blacklisting as per Clause (A)(2) under Section 2 of the RFE. An Applicant shall provide such documentary evidence in support of eligibility and other additional requirements or on any other matter or issue related to or in connection with its Application to the satisfaction of Empaneling Entity, failing which its Application is liable to be rejected.”</p>
<p>Clause (C) 16(b) under Section-II (Application Data Sheet) in Section 3 of the RFE</p> <p>“In case the Applicant is banned/ debarred/ blacklisted by REC Ltd. or any of its subsidiary/ PFC Ltd. or any of its subsidiary/ Government of India/ Ministry of Power/ any Regulatory Authority/any State Government/ Central or State PSU.”</p>	<p>“In case the Applicant is banned/ debarred/ blacklisted/ suspended as per Clause (A)(2) under Section 2 of the RFE”</p>
<p>Clause (D) 1(f) under Section-II (Application Data Sheet) in Section 3 of the RFE</p> <p>“(f) Applicant should not have been banned/ debarred/ blacklisted by REC Ltd. or any of its subsidiary/ PFC Ltd. or any of its subsidiary/ Government of India/ Ministry of Power/ any Regulatory Authority/any State Government/ Central or State PSU, as on the date of submission of the application”</p>	<p>“(f) Applicant should not have been banned/ debarred/ blacklisted/ suspended as per Clause (A)(2) under Section 2 of the RFE, as on the date of submission of the application”</p>
<p>Clause (e) in Form 1 under Section 3 of the RFE</p> <p>“Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment/ blacklist as specified in Section 2 and, further, we are not ineligible under the laws in India or official regulations as specified therein;”</p>	<p>“Suspension and Debarment: We, along with any of our subcontractors, suppliers, consultants, manufacturers, or service providers for any part of the contract, are not subject to, and not controlled by any entity or individual that is subject to, a temporary suspension or a debarment/ blacklist/ banned as specified in Section 2 and, further, we are not ineligible under the laws in India or official regulations as specified therein;”</p>

Existing Clause	Modified Clause
<p>Clause in Attachment 2 to Letter of Application under Section 4 of the RFE</p> <p><i>“...I/We hereby declare that our company/ organization has not been blacklisted, debarred, banned, or disqualified by any Government or any Government agencies including PSUs during a period of last five years....”</i></p>	<p><i>“...I/We hereby declare that our company/ organization has not been blacklisted, debarred, banned, or suspended as per Clause (A)(2) under Section 2 of the RFE during a period of last five years....”</i></p>
<p>Clause (f) under Form 2 in Section 4 of the RFE</p> <p><i>“(f) Applicant should not have been banned/ debarred/ blacklisted by REC Ltd. or any of its subsidiary/ PFC Ltd. or any of its subsidiary/ Government of India/ Ministry of Power/ any Regulatory Authority/any State Government/ Central or State PSU, as on the date of submission of the application”</i></p>	<p><i>“(f) Applicant should not have been banned/ debarred/ blacklisted/ suspended as per Clause (A)(2) under Section 2 of the RFE, as on the date of submission of the application”</i></p>
<p>Clause 2.1(b) under Section-7 of the RFE</p> <p><i>“In case the Applicant is banned/ debarred/ blacklisted by REC Ltd. or any of its subsidiary/ PFC Ltd. or any of its subsidiary/ Government of India/ Ministry of Power/ any Regulatory Authority/any State Government/ Central or State PSU.”</i></p>	<p><i>“In case the Applicant is banned/ debarred/ blacklisted/ suspended as per Clause (A)(2) under Section 2 of the RFE”</i></p>