

HARYANA RAIL INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED



EXPRESSION OF INTEREST

FOR

EQUITY PARTICIPATION

IN

HARYANA ORBITAL RAIL CORPORATION LIMITED (HORCL)

A SPECIAL PURPOSE VEHICLE

FOR

HARYANA ORBITAL RAIL CORRIDOR PROJECT

FROM PALWAL TO SONIPAT

April 2021

(Tender No. HRIDC/EOI/HORC-48/2021)

Last date of submission: 14th May 2021 at 1500 hours

Corporate Office: SCO 17-19, 3rd Floor, Sector 17A, Chandigarh.

Project Office: Plot No 143, 5th Floor, Railtel, Tower, Sector 44, Gurugram

Website: www.hridc.co.in

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1 Introduction

- 1.1 Haryana Rail Infrastructure Development Corporation Limited (HRIDC) was incorporated on 22nd August 2017 as a Joint Venture between the Government of Haryana and the Ministry of Railways with equity participation of 51% and 49% respectively. The company has been set up by the Ministry of Railways (MOR) with the Government of Haryana (GoH) with the mandate to undertake railway projects for development, study, arranging finance, execution of projects, and boost the rail infrastructure in the state of Haryana on the principle of cooperative federalism. (HRIDC website: www.hridc.co.in)
- 1.2 The broad objectives of HRIDC are:
- To act as the nodal agency, to play an anchor role in the planning and implementation of railway infrastructure projects in the State of Haryana
 - To generate financial resources through the participation of the Central and State Governments, other stakeholders, including the private sector in project-specific Special Purpose Vehicle(s) (SPVs).
- 1.3 As per its mandate, HRIDC has developed the iconic project named as ‘Haryana Orbital Rail Corridor (HORC)’ from Palwal to Sonipat via Sohna, Manesar, Kharkhoda bypassing Delhi. The Project has received approval from the Cabinet Committee on Economic Affairs (CCEA), Government of India on 15.09.2020. HRIDC is the implementing agency for the HORC project.
- 1.4 For implementation of the HORC project, a Special Purpose Vehicle (SPV) named ‘Haryana Orbital Rail Corporation Ltd’ (HORCL), having its Registered Office at Gurugram, has been incorporated on 25.12.2019 under the provisions of Companies Act, 2013. (HORCL Website: www.horcl.co.in) The HORCL has strategic partnership of public and private sector. The present Board of Directors of HORCL is as follows:

Table 1: Current Board of Directors of HORCL

Stakeholders	Directors
HRIDC (JV Company of Ministry of Railways and Govt. of Haryana)	Chairman: Additional Chief Secretary, Govt. of Haryana, Public Works (B&R) Managing Director: MD HRIDC And 02 other Directors from HRIDC
HSI IDC (Govt. of Haryana PSU)	One Director
GMDA (Govt. of Haryana Authority)	One Director

Stakeholders	Directors
Private Sector <ul style="list-style-type: none"> • Maruti Suzuki India Ltd. (MSIL) • All cargo Logistics (ACL) • International Cargo Terminals and Private Infrastructure Ltd. (ICTIPL) 	One Director from each Private Entity

2 Haryana Orbital Rail Corridor Project

2.1 Project brief

- 2.1.1 Haryana Orbital Rail Corridor (HORC) Project (“Project”) is a proposed Greenfield Electrified Broad-Gauge Double Rail Line Project between Harsana Kalan (Sonipat) and Palwal bypassing Delhi area and connecting to Dedicated Freight Corridor (DFC) network at Pirthala. The total route length is 122 Km (144 Km including connectivity).
- 2.1.2 National Capital Region Planning Board (NCRPB) Regional Plan 2021- includes Orbital Rail Corridor around Delhi. Master Plan of NCR Haryana sub-region includes provision for Orbital Rail Corridor (50m width) along the KMP Expressway. Railway Budget speech (2016-17) stressed the need to revive the Delhi Ring Railway system for suburban commuter traffic (currently overcrowded with freight traffic).
- 2.1.3 The existing railway network of Delhi is heavily congested having a capacity utilization of more than 100 %.

Table 2: Capacity utilization in the existing Railway network in Delhi

S. No.	Section	Capacity utilization
1.	Lajpat Nagar-Patel Nagar DLI avoiding Line	133%
2.	Adarsh Nagar-Sonipat-Panipat	121%
3.	Nizamuddin-Tughalakabad	163%
4.	Tughlakabad-Palwal	141%

- 2.1.4 HORC will have suitable connectivity to the existing Palwal station of the Indian Railways and proposed Pirthala Yard of DFC network. HORC will have connectivity with the existing major routes of Indian Railways at Palwal (Delhi-Mathura Section), Patli (Delhi-Rewari section), Sultanpur (Farukhnagar- Garhi Harsaru section), Asaudah (Delhi-Rohtak section), and Harsana Kalan (Delhi-Panipat Section). The major alignment of HORC is in

close proximity to either DFC or Kundli–Manesar–Palwal Expressway (KMP Expressway or Western Peripheral Expressway). HORC is planned as a High-Rise OHE section (with a speed potential of 160 Km/h and 25 Ton Axle load) for the operation of **Double-Stack Containers** as a feeder route for Western DFC. The alignment of the project is given in Annexure-II.

2.1.5 **HORC is designed to run both Freight and Passenger trains.** The design capacity of the Project is 100 Million Tons (MT) annually each way.

2.1.6 **A detailed traffic report prepared by HRIDC in consultation with Northern Railway has projected freight movement of 48 trains per day in the first year of the commissioning of the Project and going up to 128 trains per day in the year 2052.** Additionally, 9 pairs of passenger trains have been projected in the first year and going up to 15 pairs per day in the year 2052.

2.2 Project cost estimate

The capital cost for the Haryana Orbital Rail Corridor, including land cost, is as follows:

Table 3: Project cost estimate

S. No.	Description	Cost (INR Cr)
1	Civil Engineering	3357.77
2	Signalling and Telecommunication	161.46
3	Over Head Electrification and General Electrical	348.79
	Total Construction cost	3868.02
4	Land Cost including Rehabilitation and resettlement	1358.67
5	Interest During Construction (IDC)	391.00
	Total Cost (In Crores)	5617.69

2.3 Financial structure of the project

The Project has commitment for equity participation from HRIDC, HSIIDC, GMDA (“State Sponsor” and Private Sector entities viz. Maruti Suzuki India Ltd. (MSIL), All cargo Logistics (ACL), International Cargo Terminals and Private Infrastructure Ltd. (ICTIPL). The Project is being funded by Asian Infrastructure Investment Bank (AIIB). The existing financial structure of the Project is provided in the table below:

Table 4: Financial structure of the Project

Equity	Total Equity: Rs. 1500 Cr	
	Stakeholders	% Equity Share (in INR)
	HRIDC (JV of Ministry of Railways and Govt. of Haryana)	Rs. 644 Cr (42.93%) <ul style="list-style-type: none"> ▪ MOR- Rs. 315.56 Cr ▪ GoH - Rs. 328.44 Cr
	HSIIDC (Govt. of Haryana PSU)	Rs. 285 Cr (19.00%)
	GMDA (Govt. of Haryana Authority)	Rs. 71.5 Cr (4.77%)
	Private Sectors (MSIL, All Cargo, ICTIPL)	Rs. 499.5 Cr (33.30%)
Upfront Revenue from PD/ TOD/ Land Development	Rs. 795 Cr	
Debt from Asian Infrastructure Investment Bank (AIIB)	Rs. 3,322 Cr	

2.4 Project revenue and financial results

- 2.4.1 As per the established and agreed system of working, Indian Railways (IR) will operate the trains and collect freight from the users. Apportioned earnings of the traffic revenue will be calculated and shared by IR to HORCL as per mutual agreement.
- 2.4.2 The traffic projections for the project has been done in consultation with Northern Railways. The existing traffic demand coupled with the upcoming development around the Project makes the Project financially sustainable with very good return on equity of 14.35% for the Project participants.
- 2.4.3 The Project is being funded by Asian Infrastructure Development Bank (AIIB) with a concessional debt of Rs. 3,322 Crores. The Project is estimated to generate adequate cash flows to service its debt obligations with Minimum Debt Service Coverage Ratio of 1.31.
- 2.4.4 The financial results of the Project are estimated as below:

Table 5: Summary of Financial results

Measure	Results
Project Internal Rate of Return (PIRR)	10.22%
Equity Internal Rate of Return (EIRR)	14.35%
Minimum Debt Service Coverage Ratio (DSCR (Min.))	1.31
Average Debt Service Coverage Ratio (DSCR (Avg.))	3.19
Minimum Interest Service Coverage Ratio (ISCR (Min))	1.91

Details on revenue and O&M cost projections for the Project are provided in Annexure-III.

2.5 Project attraction

The envisaged benefits of the HORC Project are listed below:

- I. *An orbital rail link connecting Indian Railways radial routes***
 - Delhi being the centre, acts as a Hub with radial connectivity to spokes in nearby cities in National Capital Region (NCR)
 - The proposed Corridor will provide peripheral connectivity.
- II. *Feeder route connectivity to Dedicated Freight Corridor (DFC) Network***
 - Being **High-Rise OHE** section, HORC will provide seamless “High Speed High Capacity” connectivity for the operation of **Double-Stack Containers** from the Economic centers in NCR to Western & Eastern Ports of India through DFC network.
- III. *Reduction in traffic congestion and pollution in Delhi***
 - Easing pressure on transport network of Delhi
 - Increased share of cleaner mode of transportation
- IV. *Enhancing logistics ecosystem of NCR region of Haryana***
 - Enabling a more efficient and faster route for freight traffic not meant for Delhi
 - Seamless connectivity to Sohna, Manesar, Kharkhoda, Model Economic Township (Jhajjar)
 - Promote the development of new Multi-Modal Hubs in the NCR region of Haryana
- V. *Relocation of goods shed/logistics facilities from inside Delhi to the Project section***
 - Regulations related to pollution control mandate shifting of goods shed/logistics facilities outside Delhi
 - Potential to relocate the goods sheds/logistics facilities from inside Delhi i.e. Azadpur, Shakurbasti, Dayabasti, Sabzi Mandi, and Tughlakabad to the Project section.
- VI. *Promoting industrial growth and new townships***
 - HORC will help in the industrial growth of cities/townships around Delhi namely Sohna, Manesar, Gurugram, Farukhnagar, Kharkhoda, proposed new Panchgram cities, etc.
- VII. *Direct connectivity of major districts of Haryana to Gurugram and other parts of the country***
 - Enable running of direct trains from Bijwasan Terminal to North, West and South directions of India
 - Enable running of Shatabdi like trains from Gurugram to Chandigarh

2.6 Project Status

2.6.1 Status of Approvals of the Project:

The project has already got all mandatory clearances from the Government of Haryana and the Government of India as under:

Table 6: Status of approvals

Approval	Date
Approval from the Cabinet of Government of Haryana	16.07.2019
Approval of Cabinet Committee on Economic Affairs, Government of India	15.09.2020

2.6.2 Project Implementation status

2.6.2.1 Office and General Consultant

- HRIDC has already set up its office in Gurugram and has started operating at full capacity.
- The contract for providing General Consultancy and project monitoring services has been awarded to the Consortium of M/s RITES Limited and M/s SMEC International Pty. Their team has mobilized w.e.f. 1st April 2021.
- The General Consultant is providing services for planning, designing, preparation of specifications, preparation of bid documents, transaction advisory, project management and commissioning of the project.

2.6.2.2 Status of Land Acquisition

- Land for the priority section from Manesar Station of HARC to existing Patli Railway Station of Indian Railway Network is already available with the Authority.
- Majority of the balanced land is to be acquired along the Western Peripheral Expressway i.e. KMP Expressway. The land is already reserved in the **Sub Regional Plan for Haryana Sub-Region of NCR-2021** along the KMP Expressway for the Orbital Rail Project.
- The Land acquisition for the Project is being undertaken through **Indian Railways Act 1989**. Haryana Orbital Rail Corridor Project has been notified as a “**Special Railway Project**” by the Central Government vide Gazette Notification no. 499 dated 04.02.2020.
- Land Acquisition Officers for HARC have been nominated by the Central Government.

- **The land acquisition process is in advance stage in all 8 subdivisions (i.e. Palwal, Sohna, Nuh, Taoru, Gurugram, Pataudi, Bahadurgarh & Sonipat) of the project influence zone.**
- **Utility shifting-** The project site is largely free from encumbrances except for certain Electrical Power Transmission lines. The required work for shifting of these utilities has already been taken up by HRIDC in coordination with State Electricity authorities i.e. Uttar Haryana Bijli Vitran Nigam and Dakshin Haryana Bijli Vitran Nigam.

2.6.2.3 Implementation Plan

The Project will be constructed over a period of five years and a four-stage commissioning schedule to operationalize the project in stages and ***enable revenue generation even during the construction period.*** The details of the commissioning schedule are provided in the table below:

Table 7: Stage wise tentative commissioning schedule

Project Section	Commissioning Date
Priority Section from Manesar to Patli	January 2023
Patli to Asaudah Section	September 2024
Asaudah to Harsana Kalan Section	June 2025
Complete Project Section	December 2025

3 Purpose of the EOI

- 3.1 This Expression of Interest (EOI) is being issued by Haryana Rail Infrastructure Development Corporation Ltd. (HRIDC) to seek interest from eligible entities for equity participation in the Project SPV i.e., Haryana Orbital Rail Corporation Limited (HORCL) for implementation of the Project.
- 3.2 Haryana Orbital Rail Corridor (HORC) project is expected to be constructed at an estimated cost of Rs. 5617.69 Cr. Out of the total cost of the project, Rs. 1500 Cr is to be raised through Equity.
- 3.3 Earlier at the project conception stage, efforts were made to get participation from the Private sector as equity partner in the Project. A Stakeholders Event was organized in February 2019 at Gurugram where various stakeholders such as logistic players, major industries in the command zone of the project, major banks and funding agencies were invited. The event and project details were widely publicized in print and electronic media. An Expression of Interest (EOI) was also invited vide Letter no. HRIDC/PP-J-48/2019/266 dated 07-03-2019 through wide publication in newspapers and as a result some private players have come forward to invest in the project as equity partners.

- 3.4 As now the Project has been approved by the Cabinet Committee of Economic Affairs (CCEA), Government of India and all other arrangements for implementation of the Project have been firmed up; thus, through this EOI process, the Authority intends to increase the number of equity participants by inviting stakeholders and investors, adopting a transparent process. It may be noted that the existing equity will be redistributed, at par, among the new entrants without any modification to the debt-equity ratio, overall project cost, or the scope of the Project¹. The equity will be redistributed from amongst the existing equity holders to the new entrants.
- 3.5 The purpose of this EOI is to:
- Invite responses from participants by giving fair and transparent opportunity, so that HRIDC can select equity partners in HORCL.
 - Advise prospective firms about the HORC Project, eligibility criteria, and how to apply for equity participation in HORCL.
- 3.6 ***The entities who have already given their consent to HORCL for equity participation are not required to apply afresh as a response to this EOI.***
- 3.7 HORC network will cover the western periphery of the National Capital Region. There is significant potential for setting up freight terminals, logistic parks container depots etc. which will have seamless connectivity for the operation of Double-Stack Containers (being High-Rise OHE section) as a feeder route for Dedicated Freight Corridor Network. Such terminals will help HORC in attracting the traffic and increase in haulage and apportioned earnings. **Therefore, as per the policy of the HORCL, in case the equity holders of the company set up a terminal i.e. Private Freight Terminal, logistic parks, or private siding etc., during the project execution stage, they will be provided free of cost connectivity within the station yard limits.**

4 Eligibility criteria

To be eligible for participation in the EOI, an Applicant² is expected to fulfill the following financial capacity requirement:

- (i) The Applicant shall have a minimum Net Worth of Rs. 300 Crores (Rs. Three Hundred Crores) as on 31st March 2020; or
- (ii) In case the Applicant is an AIF or Foreign Investment Fund, it should have a minimum ACI (Available Capital for Investment) of Rs. 300 Crore (Rs. Three Hundred Crores), as on 31st March 2020.

¹If required in future, the authorised share capital may be increased from its current level to such amounts as may be decided by the HORCL board from time to time to meet the requirements of the Project.

²An Applicant is any entity submitting a response to this Expression of Interest for equity participation in HORCL

Note-1:

- “AIF” shall have the meaning as ascribed to the term “Alternative Investment Fund” under Regulation 2(1)(b) of the Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012 (as amended); and
- “Foreign Investment Fund” shall mean any pooled investment vehicle or investment fund which is registered or recognized with a securities market/banking regulator of a “foreign jurisdiction”; and “foreign jurisdiction” means a country, other than India, whose securities market regulator is a signatory to International Organization of Securities Commission’s Multilateral Memorandum of Understanding (IOSCO’s MMOU) (Appendix A Signatories) or a signatory to bilateral Memorandum of Understanding with the Securities and Exchange Board of India, and which is not identified in the public statement of Financial Action Task Force as a jurisdiction having a strategic Anti-Money Laundering or Combating the Financing of Terrorism deficiencies to which counter measures apply or a jurisdiction that has not made sufficient progress in addressing the deficiencies or has not committed to an action plan developed with the Financial Action Task Force to address the deficiencies.
- “Net Worth” means the aggregate value of the paid-up share capital and all reserves created out of the profits and securities premium account, after deducting the aggregate value of the accumulated losses, deferred expenditure, and miscellaneous expenditure not written off, as per the audited balance sheet, but does not include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.
- For conversion of US Dollars to Rupees, the rate of conversion shall be Rupees 70 (Seventy) to a US Dollar. In case of any other currency, the same shall first be converted to US Dollars as on the date seven days before the EOI submission date, and the amount so derived in US Dollars shall be converted into Rupees at the aforesaid rate. The conversion rate of such currencies shall be the daily representative exchange rates published by the International Monetary Fund for the relevant date.

5 Compliance and Rights

- 5.1 Conditional offers shall not be accepted as part of this EoI process. Investors may seek additional information from HRIDC before submission of their offers. They may undertake due diligence at their cost or may visit the Project site to enable them to formulate their offers. The offer so submitted should be unconditional and without any qualification(s).
- 5.2 Applicants shall adhere to guidelines issued by the Department of Disinvestment, Ministry of Finance provided at Annexure-IV, or any such guidelines as may be issued by a relevant

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Government agency from time to time. Applicants shall adhere to Office Memorandum No. F.No.6/18/2019-PPD dated 23.07.2020 and Order (Public Procurement No.1) F.No. 6/18/2019-PPD dated 23.07.2020 issued by Public Procurement division, Department of Expenditure, Ministry of Finance provided at Annexure-V, with regards to restrictions on the applicant from specific countries.

- 5.3 There shall be a lock-in period for equity investment till commissioning of the Project.
- 5.4 **HORCL Board will consider allotting director positions to equity shareholders having an equity stake of 10% or more.** However, such appointment shall be based on applicable guidelines, as may be decided by the HORCL Board from time to time, including the factor of corresponding equity share of various shareholders in the company.

6 How to apply

- 6.1 The EOI proposal shall be enclosed in a separate sealed envelope and shall be marked as “Expression of Interest for Equity Participation in Haryana Orbital Rail Corporation Limited, the SPV for Haryana Orbital Rail Corridor Project in the State of Haryana.”
- 6.2 Form 1 and Form 2 of this EOI duly filled in have to be submitted as part of the proposal. A copy of this EOI should also be enclosed duly signed on each page.
- 6.3 The EOI submission should be accompanied with the last three (3) years audited annual accounts of the Applicant.
- 6.4 All costs incurred by Applicant in connection with the EOI shall be borne by Applicant.
- 6.5 The language for submission of the document shall be English only.
- 6.6 Any item of Form 1 and/or Form 2, which is not applicable to the Applicant, should be written as Not Applicable.
- 6.7 The designated authority for clarification, pre-bid conference and submission of EOI response:
GM (Project)
HARYANA RAIL INFRASTRUCTURE DEVELOPMENT CORPORATION LTD
Plot No 143, 5th Floor, Railtel, Tower,
Sector 44, Gurugram
Ph. +91 8766347125
E-mail: hridc2017@gmail.com; gmphridc@gmail.com

- 6.8 HRIDC will connect the interested bidders with subject matter experts for clarification on any project related queries on request.
- 6.9 **“Pre-bid conference” for clarification on the Project and EOI process will be held in the conference room of the above-mentioned address on 23rd April 2021 at 1130 hours following the applicable Covid-19 protocols for the state of Haryana.**
- 6.10 Interested participants may also attend the pre-bid conference through online participation link. Details of the same shall be obtained from GM (Project) 2 days prior to the pre-bid date.
- 6.11 **The last date for submission of completed EOI in all respects is 14th May 2021 at 1500 hours through submission of hard copy or email at address mentioned at clause 6.7 above.**
- 6.12 In case the Applicant intends to give additional information for which specified space in the given format is not enough, it can be furnished in a separate sheet(s).
- 6.13 All the pages of the EOI response and Annexures should be signed, and the authorized signatory should countersign corrections and over writings.
- 6.14 The validity of the EOI response shall be 90 days from the EOI submission date.

7 Rejection of offer

The offer of participation in EOI is liable to be rejected for any of the following conditions:

- i. EOI offer is not accompanied by required documentation and has failed to provide clarifications related thereto when sought by HRIDC after receipt of the offer.
- ii. If any information that would have entitled HRIDC to reject or disqualify the Applicant, is received (comes to notice) after the Applicant has been qualified; it reserves the right to reject the Applicant at that time or at any time after such information is noticed.

8 Applicant’s responsibility

It is expressly clarified that before submitting the EOI offer, the Applicant must have carefully examined the contents of all the documents and any failure to comply with any of the requirements of the EOI document will be at Applicant’s risk.

9 Clarification on EOI

Investors may seek clarifications from HRIDC by writing to the email id: gmphridc@gmail.com and hridc2017@gmail.com or telephonically or through personal meeting at the HRIDC office with the prior appointment. Sh. Pradeep Kumar, GM(Project) is the Nodal Officer for the same. He can be contacted at any time at the mobile number given below. He will arrange to provide any technical/ policy matter clarifications from the team of experts and professionals of HRIDC.

Contact details:

Sh. Pradeep Kumar,
General Manager (Project)
HARYANA RAIL INFRASTRUCTURE DEVELOPMENT CORPORATION LTD
Plot No 143, 5th Floor, Railtel, Tower,
Sector 44, Gurugram
Ph. +91 8766347125
E-mail: gmphridc@gmail.com, hridc2017@gmail.com

10 Amendment

HRIDC may modify the EOI by issuing an addendum before the last date of submission. Any addendum thus issued shall be part of EOI and shall be posted on the website.

To give Applicants reasonable time in which to take any addendum into account in preparing their EOI offer, HRIDC may at its sole discretion, extend the last date of submission.

GM (Project)
HRIDC

Annexure-I: Application

FORM-1

(Applicant to provide date and reference on the company letterhead)

Dear Sir,

LETTER FOR APPLICATION – EXPRESSION OF INTEREST FOR EQUITY PARTICIPATION IN HARYANA ORBITAL RAIL CORPORATION LIMITED (HORCL), A PROJECT SPECIFIC SPECIAL PURPOSE VEHICLE FOR HARYANA ORBITAL RAIL CORRIDOR PROJECT.

We, the undersigned, apply for equity participation for the referenced Special Purpose Vehicle and declare the following:

- a) We are duly authorized to represent and act on behalf of _____ (hereinafter the “Applicant”)
- b) We have examined and have no reservations to the EOI Document including all addendums, responses to queries, corrigendum, or any other document issued as part of this EoI.
- c) We are attaching with this letter, the copies of original documents defining:
 - i) The Applicant’s legal status;
 - ii) Board resolution authorizing the signatory for submitting the proposal.
 - iii) Its principal place of business;
 - iv) Its place of incorporation (if Applicants are a corporation); or its place of Registration (if Applicants are partnerships or individually owned firms); and
 - v) Last three (3) years Audited Annual Accounts and Balance Sheets
- d) HRIDC and/or its authorized representatives are, hereby, authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this application, and to seek clarification on the same.
- e) HRIDC and/ or its authorized representatives may contact the following nodal persons for further information on any aspects of the Application.

Contact	Name Address	Telephone	Email

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- f) This application is made with the full understanding that:
- i) EOI process will be subject to verification of all information submitted at the discretion of HRIDC; and
 - ii) HRIDC reserves the right to reject or accept any or all applications, cancel the EOI process without any obligation to inform the applicant about the grounds of same.

We confirm that if we are finally selected as one of the equity partners in Haryana Orbital Rail Corporation Ltd' (HORCL):

- i) We are interested in holding a maximum of Rs._____ worth of equity (provide in terms of value).
- ii) Minimum equity, which our firm will be interested in is Rs._____(provide in terms of value)

Strike and authenticate whichever is applicable / not applicable

- i) The undersigned gives the following undertaking:
 - a. Regarding matters other than the security and integrity of the country, _____(name of the company) has not been convicted by a Court of Law or indicted/passed any adverse order by a regulatory authority against it or it's against any sister concern which relates to a grave offense, or would constitute disqualification. The grave offense is defined to be of such a nature that it outrages the moral sense of the community.
 - b. In regard to matters relating to the security and integrity of the country, no charge sheet has been filed by an agency of the Government / conviction by a Court or Law for an offence committed by the: _____(name of the company) or by any sister concern of the _____(name of the company) would result in disqualification.
- ii) I/ We further certify that we are qualified to submit a Bid in accordance with the guidelines for qualification of bidders seeking to acquire stakes in Public Sector Enterprises through the process of disinvestment issued by the GOI vide Department of Disinvestment OM No. 6/4/2001-DD-II dated 13th July 2001 which guidelines apply mutatis mutandis to the Bidding Process. A copy of the aforesaid guidelines forms part of the EOI at Annexure-IV thereof.

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- iii) The undersigned declares that the statements made and the information provided in the duly completed application are complete, true, and correct in every detail. We also understand that in the event of any information furnished by us being found later on to be incorrect or any material information having been suppressed, HRIDC may delete our name from the list of qualified Applicants.

Our Application is valid till.....(Date in figures and words)

Name.....

In the Capacity of.....

Signed.....

Duly authorized to sign the Application.....

(For and on behalf of)

Date.....

FORM2

The interested Parties/Organizations are requested to submit their proposals, which should include-

I. Company Details-

Sr. No.	Particulars	Details	Remarks/ Details of relevant documents attached
1	Name of the Company/Organization/Institution etc., address and registered office details		
2	Country of Incorporation, if any		
3	Incorporation details such as Reg. No., Date, etc.		
4	PAN Details		
5	GST Details		
6	Type of Business		
7	Whether participating as sole bidder or through a Joint Venture and detail as necessary		
8	Company Profile (highlighting background, technical expertise, manpower details, etc.)		
9	Details of Contact Person		
10	Other relevant information, if any		

II. Financial Data-

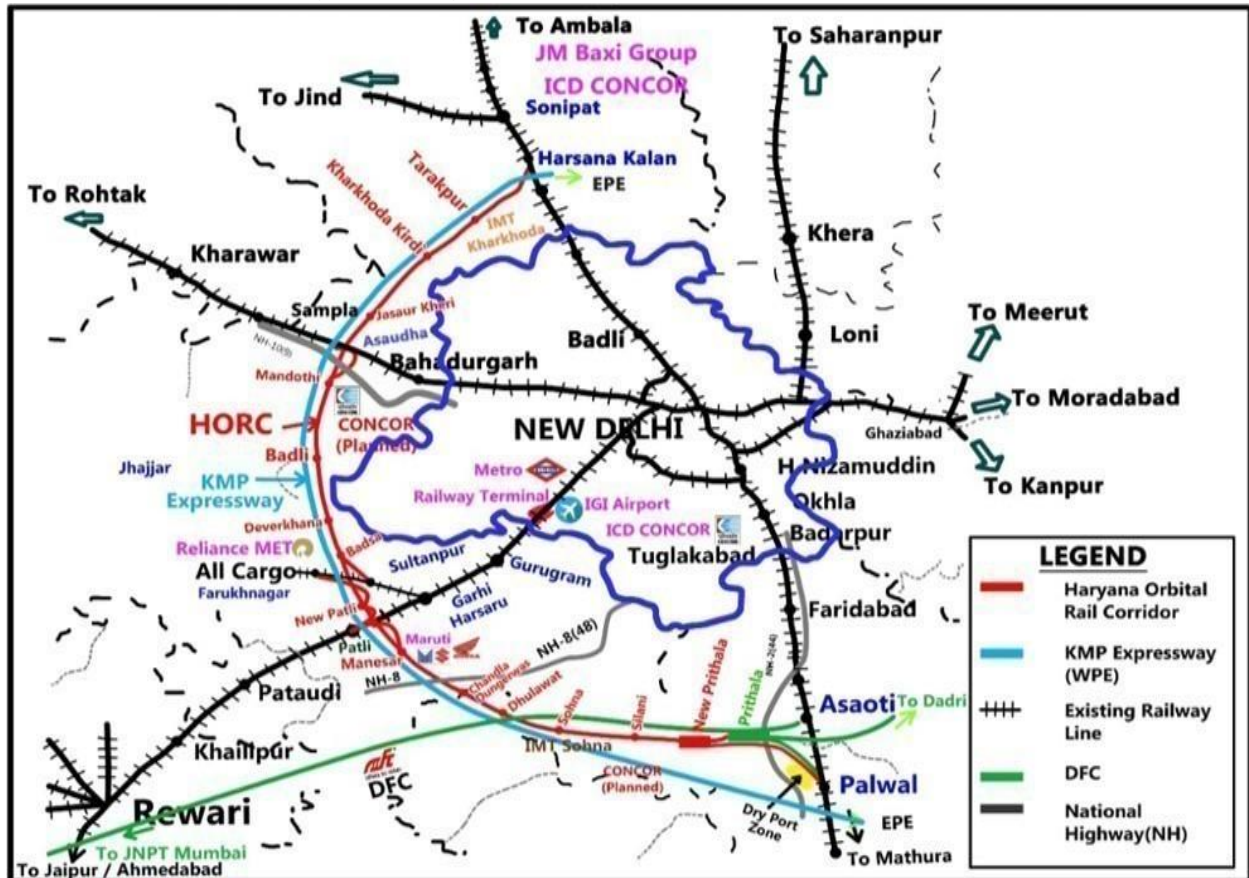
(Figures in Rs. Cr.)

Sr. No.	Particulars	As on 31 st March 2020
1	Net Worth/ACI	

Annexure-II: Proposed Alignment

The proposed Haryana Orbital Rail Corridor is from Palwal to Sonipat by linking Asaoti-Patli-Asaudha & Harsana Kalan with the new Broad-Gauge line. The alignment runs almost parallel to the KMP expressway (Kundli-Manesar-Palwal) and the alignment runs straight for most of the part. The Proposed rail corridor is bypassing Delhi. The proposed alignment is depicted in the figure below:

Figure 1: Alignment of Haryana Orbital Rail Corridor



Annexure-III: Revenue and O&M cost Projections

The Project is a marquee project in the state of Haryana. Indian Railway will provide ‘reserved services’ including locomotion of trains, fixing of tariff for movement/ handling of traffic, booking/delivery of consignments, overall operations including station operation and management, loco and wagon examination, maintenance and replacement of rolling stock, other reserved services and overheads. The revenue distribution between HORCL and Indian Railways is proposed to be done in the 50:50 ratio of the apportioned freight revenue to the corridor.

Project SPV will earn the revenue from the below activities:

1. 50% (fifty percent) of the revenue apportionment from freight operations.
2. Revenue from Transit Oriented Development (TOD).
3. Revenue from property development.
4. Non-fare box revenue from sources such as advertisement, ATM installation, commercial shops at the station, automatic vending machines, etc.

Project Revenue

The Project will be commissioned in a phase-wise manner, revenue inflow is expected to start accruing from the 3rd year of the start of construction activities.

Table 8: Revenue Projections to HORCL

Year/ INR Cr	2027	2030	2035	2040	2045	2050	2055	2060	2065	2069
Operating Revenue	495.99	574.17	732.80	935.26	1193.65	1523.44	1944.33	2481.52	3167.11	3849.65
Non-Fare Box Revenue	49.60	57.42	73.28	93.53	119.37	152.34	194.43	248.15	316.71	384.96
Total Revenues	545.59	631.58	806.08	1028.78	1313.02	1675.78	2138.77	2729.67	3483.83	4234.61

Alternate sources of revenue

As part of initial examinations of the revenue potential from property development at various locations on the Haryana Orbital Rail Corridor, it has been observed that there are certain locations where land is available and can be further developed owing to its viability in terms of prospective traffic convergence and divergence with magnet areas around these locations. Freight terminals

Expression of Interest for Equity Participation in HORCL

can be developed on these available land parcels, which will further augment the revenue for the Project.

To cater to the rail transport requirement of the industries falling in the influence zone of HORC, a policy guideline for setting up rail connectivity to private sidings is also under preparation. This policy will facilitate first mile or/and last-mile rail connectivity to rail users resulting in a reduction in logistics cost to rail users.

HORC will help in shifting traffic predominantly moving by road to rail and in increasing the share of railways in the overall transport chain. Providing connectivity to private freight terminals in the influence area will also help enhance Project traffic.

Operations and Maintenance Cost

In terms of the extant policy of the Railway Board, train operations shall be managed by Northern Railway. Further, manpower required for stations, commercial operations, fuel/energy cost and operation, maintenance, and replacement of all rolling stock shall be on Railway's account. HORCL will take care of the maintenance of fixed assets, security, renewals and replacements, insurance, accident repairs, etc. at its own cost.

Table 9: O&M cost projections

Year/ INR Cr	2027	2030	2035	2040	2045	2050	2055	2060	2065	2069
Maintenance Cost - For SPV	40.86	47.30	60.37	77.05	98.34	125.50	160.18	204.43	260.91	317.14

On the overall basis of the above capital structure and Project financials, the equity IRR is 14.35%. As Indian Railways shall be a major beneficiary of this project, in terms of decongestion of Delhi, as well as an increase in rail-share from new traffic, HRIDC is trying to seek better revenue share in the form of “inflated Kilometers” and “terminal handling fees”, which shall improve the Project prospects.

Annexure-IV³: Guidelines of the Department of Disinvestment

(Refer Clause 1.2.1)No.
6/4/2001-DD-II
Government of India
Department of Disinvestment

Block 14, CGO Complex
New Delhi.
Dated 13th July, 2001.

OFFICE MEMORANDUM

Sub: Guidelines for qualification of Bidders seeking to acquire stakes in Public Sector Enterprises through the process of disinvestment

Government has examined the issue of framing comprehensive and transparent guidelines defining the criteria for bidders interested in PSE-disinvestment so that the parties selected through competitive bidding could inspire public confidence. Earlier, criteria like net worth, experience etc. used to be prescribed. Based on experience and in consultation with concerned departments, Government has decided to prescribe the following additional criteria for the qualification/ disqualification of the parties seeking to acquire stakes in public sector enterprises through disinvestment:

- (a) In regard to matters other than the security and integrity of the country, any conviction by a Court of Law or indictment/ adverse order by a regulatory authority that casts a doubt on the ability of the bidder to manage the public sector unit when it is disinvested, or which relates to a grave offence would constitute disqualification. Grave offence is defined to be of such a nature that it outrages the moral sense of the community. The decision in regard to the nature of the offence would be taken on case-to-case basis after considering the facts of the case and relevant legal principles, by the Government of India.
- (b) In regard to matters relating to the security and integrity of the country, any charge-sheet by an agency of the Government/conviction by a Court of Law for an offence committed by the bidding party or by any sister concern of the bidding party would result in disqualification. The decision in regard to the relationship between the sister concerns would be taken, based on the relevant facts and after examining whether the two concerns are substantially controlled by the same person/persons.

³These guidelines may be modified or substituted by the Government from time to time.

Expression of Interest for Equity Participation in HORCL

- (c) In both (a) and (b), disqualification shall continue for a period that Government deems appropriate.
- (d) Any entity, which is disqualified from participating in the disinvestment process, would not be allowed to remain associated with it or get associated merely because it has preferred an appeal against the order based on which it has been disqualified. The mere pendency of appeal will have no effect on the disqualification.
- (e) The disqualification criteria would come into effect immediately and would apply to all bidders for various disinvestment transactions, which have not been completed as yet.
- (f) Before disqualifying a concern, a Show Cause Notice why it should not be disqualified would be issued to it and it would be given an opportunity to explain its position.

Henceforth, these criteria will be prescribed in the advertisements seeking Expression of Interest (EOI) from the interested parties. The interested parties would be required to provide the information on the above criteria, along with their Expressions of Interest (EOI). The bidders shall be required to provide with their EOI an undertaking to the effect that no investigation by a regulatory authority is pending against them. In case any investigation is pending against the concern or its sister concern or against its CEO or any of its Directors/Managers/employees, full details of such investigation including the name of the investigating agency, the charge/offence for which the investigation has been launched, name and designation of persons against whom the investigation has been launched and other relevant information should be disclosed, to the satisfaction of the Government. For other criteria also, a similar undertaking shall be obtained along with EOI.

sd/-

(A.K. Tewari)

Under Secretary to the Government of India

Annexure-V: Office Memorandum (Department of Expenditure)

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division


161, North Block,
New Delhi
23rd July, 2020

Office Memorandum

Subject: Insertion of Rule 144 (xi) In the General Financial Rules (GFRs), 2017

Rule 144 of the General Financial Rules 2017 entitled 'Fundamental principles of public buying', has been amended by inserting sub-rule (xi) as under:

Notwithstanding anything contained in these Rules, Department of Expenditure may, by order in writing, impose restrictions, including prior registration and/or screening, on procurement from bidders from a country or countries, or a class of countries, on grounds of defence of India, or matters directly or indirectly related thereto including national security; no procurement shall be made in violation of such restrictions.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,
(1) Secretaries of All Ministries/ Departments of Government of India
(2) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

Expression of Interest for Equity Participation in HORCL

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block,
New Delhi
23rd July, 2020

Order (Public Procurement No. 1)

Subject: Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017

Attention is invited to this office OM no. 6/18/2019-PPD dated 23rd July 2020 inserting Rule 144 (xi) in GFRs 2017. In this regard, the following is hereby ordered under Rule 144 (xi) on the grounds stated therein:

Requirement of registration

1. Any bidder from a country which shares a land border with India will be eligible to bid in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority, specified in **Annex I**.
2. This Order shall not apply to (i) cases where orders have been placed or contract has been concluded or letter/notice of award/ acceptance (LoA) has been issued on or before the date of this order; and (ii) cases falling under **Annex II**.

Transitional cases

3. Tenders where no contract has been concluded or no LoA has been issued so far shall be handled in the following manner: -
 - a) *In tenders which are yet to be opened, or where evaluation of technical bid or the first exclusionary qualificatory stage (i.e. the first stage at which the qualifications of tenderers are evaluated and unqualified bidders are excluded) has not been completed:* No contracts shall be placed on bidders from such countries. Tenders received from bidders from such countries shall be dealt with as if they are non-compliant with the tender conditions and the tender shall be processed accordingly.
 - b) *If the tendering process has crossed the first exclusionary qualificatory stage:* If the qualified bidders include bidders from such countries, the

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entire process shall be scrapped and initiated *de novo*. The *de novo* process shall adhere to the conditions prescribed in this Order.

- c) As far as practicable, and in cases of doubt about whether a bidder falls under paragraph 1, a certificate shall be obtained from the bidder whose bid is proposed to be considered or accepted, in terms of paras 8, 9 and 10 read with para 1 of this Order.

Incorporation in tender conditions

4. In tenders to be issued after the date of this order, the provisions of paragraph 1 and of other relevant provisions of this Order shall be incorporated in the tender conditions.

Applicability

5. Apart from Ministries / Departments, attached and subordinate bodies, notwithstanding anything contained in Rule 1 of the GFRs 2017, this Order shall also be applicable
 - a. to all Autonomous Bodies;
 - b. to public sector banks and public sector financial institutions; and
 - c. subject to any orders of the Department of Public Enterprises, to all Central Public Sector Enterprises; and
 - d. to procurement in Public Private Partnership projects receiving financial support from the Government or public sector enterprises/ undertakings.
 - e. Union Territories, National Capital Territory of Delhi and all agencies/ undertakings thereof

Definitions

6. "Bidder" for the purpose of this Order (including the term 'tenderer', 'consultant' 'vendor' 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.
7. "Tender" for the purpose of this Order will include other forms of procurement, except where the context requires otherwise.
8. "Bidder from a country which shares a land border with India" for the purpose of this Order means

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Expression of Interest for Equity Participation in HORCL

- 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

9. "Beneficial owner" for the purpose of paragraph 8 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(s), has a controlling ownership interest or who exercises control through other means.

Explanation—

- 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 the 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 or entitlement to more than fifteen per cent 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 or entitlement to more than fifteen per cent 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;

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(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.

10. "Agent" for the purpose of this Order is a person employed to do any act for another, or to represent another in dealings with third persons.

Sub-contracting in works contracts

11. In works contracts, including turnkey contracts, contractors 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. The definition of "contractor from a country which shares a land border with India" shall be as in paragraph 8 above. This shall not apply to sub-contracts already awarded on or before the date of this Order.

Certificate regarding compliance

12. A certificate shall be taken from bidders in the tender documents regarding their compliance with this Order. If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for immediate termination and further legal action in accordance with law.

Validity of registration

13. In respect of tenders, registration should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance / placement of order, registration shall not be a relevant consideration during contract execution.


Government E-Marketplace

14. The Government E-Marketplace shall, as soon as possible, require all vendors/ bidders registered with GeM to give a certificate regarding compliance with this Order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/ until they are registered in accordance with this Order.

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Model Clauses/ Certificates

15. Model Clauses and Model Certificates which may be inserted in tenders / obtained from Bidders are enclosed as **Annex III**. While adhering to the substance of the Order, procuring entities are free to appropriately modify the wording of these clauses based on their past experience, local needs etc. without making any reference to this Department.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Secretary DPIIT with a request to initiate action as provided under Annex I
- (4) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

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Annex I: Competent Authority and Procedure for Registration

- A. The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT)*.
- B. The Registration Committee shall have the following members*:
- i. An officer, not below the rank of Joint Secretary, designated for this purpose by DPIIT, who shall be the Chairman;
 - ii. Officers (ordinarily not below the rank of Joint Secretary) representing the Ministry of Home Affairs, Ministry of External Affairs, and of those Departments whose sectors are covered by applications under consideration;
 - iii. Any other officer whose presence is deemed necessary by the Chairman of the Committee.
- C. DPIIT shall lay down the method of application, format etc. for such bidders as stated in para 1 of this Order.
- D. On receipt of an application seeking registration from a bidder from a country covered by para 1 of this Order, the Competent Authority shall first seek political and security clearances from the Ministry of External Affairs and Ministry of Home Affairs, as per guidelines issued from time to time. Registration shall not be given unless political and security clearance have both been received.
- E. The Ministry of External Affairs and Ministry of Home Affairs may issue guidelines for internal use regarding the procedure for scrutiny of such applications by them.
- F. The decision of the Competent Authority, to register such bidder may be for all kinds of tenders or for a specified type(s) of goods or services, and may be for a specified or unspecified duration of time, as deemed fit. The decision of the Competent Authority shall be final.
- G. Registration shall not be granted unless the representatives of the Ministries of Home Affairs and External Affairs on the Committee concur*.
- H. Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but **also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.**

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- I. The Competent Authority is empowered to cancel the registration already granted if it determines that there is sufficient cause. Such cancellation by itself, however, will not affect the execution of contracts already awarded. Pending cancellation, it may also suspend the registration of a bidder, and the bidder shall not be eligible to bid in any further tenders during the period of suspension.
- J. For national security reasons, the Competent Authority shall not be required to give reasons for rejection / cancellation of registration of a bidder.
- K. In transitional cases falling under para 3 of this Order, where it is felt that it will not be practicable to exclude bidders from a country which shares a land border with India, a reference seeking permission to consider such bidders shall be made by the procuring entity to the Competent Authority, giving full information and detailed reasons. The Competent Authority shall decide whether such bidders may be considered, and if so shall follow the procedure laid down in the above paras.
- L. Periodic reports on the acceptance/ refusal of registration during the preceding period may be required to be sent to the Cabinet Secretariat. Details will be issued separately in due course by DPIIT.

[*Note:

- i. In respect of application of this Order to procurement by/ under State Governments, all functions assigned to DPIIT shall be carried out by the State Government concerned through a specific department or authority designated by it. The composition of the Registration Committee shall be as decided by the State Government and paragraph G above shall not apply. However, the requirement of **political and security clearance as per para D shall remain and no registration shall be granted without such clearance.**
- ii. Registration granted by State Governments shall be valid only for procurement by the State Government and its agencies/ public enterprises etc. and shall not be valid for procurement in other states or by the Government of India and their agencies/ public enterprises etc.]

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Annex II: Special Cases

- A. Till 31st December 2020, procurement of medical supplies directly related to containment of the Covid-19 pandemic shall be exempt from the provisions of this Order.
- B. *Bona fide* procurements made through GeM without knowing the country of the bidder till the date fixed by GeM for this purpose, shall not be invalidated by this Order.
- C. *Bona fide* small procurements, made without knowing the country of the bidder, shall not be invalidated by this Order.
- D. In projects which receive international funding with the approval of the Department of Economic Affairs (DEA), Ministry of Finance, the procurement guidelines applicable to the project shall normally be followed, notwithstanding anything contained in this Order and without reference to the Competent Authority. Exceptions to this shall be decided in consultation with DEA.
- E. This Order shall not apply to procurement by Indian missions and by offices of government agencies/ undertakings located outside India.

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Annex III

Model Clause /Certificate to be inserted in tenders etc.

(While adhering to the substance of the Order, procuring entities and GeM are free to appropriately modify the wording of the clause/ certificate based on their past experience, local needs etc.)

Model Clauses for Tenders

- I. 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.
- II. "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.
- III. "Bidder from a country which shares a land border with India" for the purpose of this Order 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
- IV. The *beneficial owner* for the purpose of (iii) above will be as under:
 1. 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—

 - 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;

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- 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;
2. 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 or entitlement to more than fifteen percent of capital or profits of the partnership;
 3. 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;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 5. 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.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. *[To be inserted in tenders for Works contracts, including Turnkey contracts]* 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.

Model Certificate for Tenders (for transitional cases as stated in para 3 of this Order)

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I hereby certify that this bidder is not from such a country and is eligible to be considered."

Model Certificate for Tenders

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the

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Expression of Interest for Equity Participation in HORCL

Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for Tenders for Works involving possibility of sub-contracting

"I have read the clause 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; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for GeM:

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this vendor/ bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this vendor/ bidder fulfills all requirements in this regard and is eligible to be considered for procurement on GeM. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

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F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block
New Delhi
23rd July, 2020

Order (Public Procurement No. 2)

Subject: Exclusion from restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 –regarding.

In Order (Public Procurement No. 1) dated 23rd July 2020, orders have been issued requiring registration of bidders from a country sharing a land border with India in order to be eligible to bid in public procurement.

2. Notwithstanding anything contained therein, it is hereby clarified that the said Order will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects.

3. Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.



(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi