

भारत सरकार **BHARAT SARKAR**
रेल मंत्रालय **MINISTRY OF RAILWAYS**
रेलवे बोर्ड **RAILWAY BOARD**

No. 89/RS(G)/779/6

New Delhi, dated: 12.03.2013

The General Manager, All Indian Railways & PUs including NF(C)
The General Manager, CORE, Allahabad
The General Manager, Metro Railway, Kolkata
The Director General, RDSO, Lucknow & Railway Staff College, Vadodara
CAO/Workshop Projects organization, Patna
CAO/DMW, Patiala and COFMOW, New Delhi
CAO/RCF/RBL/Old TA Building, Kishan Ganj, New Delhi.

Sub: Consideration of Indian Agent.

Ref: CVC letter No. 12-02-6-CTE/SPI(I)-2/161730 dated 13.1.2012 (copy enclosed)

Vide above referred letter, CVC has again emphasized the need to obtain fair market price by reducing the possibility of collusion and cartelization through fair market competition.

2. Further with respect to agent and Principal/OEM, instruction were issued vide letter No. 99/RS(G)/779/2 dt 10.1.2007.
3. In supersession the following instruction are now issued:
 - (a) In a tender, either the Indian agent on behalf of the Principal/OEM or Principal/OEM itself can bid but both cannot bid simultaneously for the same item/product in the same tender.
 - (b) If an agent submits bid on behalf of the Principal/OEM, the same agent shall not submit a bid on behalf of another Principal/OEM in the same tender for the same item/product.
4. Suitable condition incorporating the above may also be included in the bid document.
5. This is issued with the concurrence of Finance Dte. of Ministry of Railways.

DA: As above

Santosh Mittal
(Santosh Mittal)
Dy. Director Railway Stores (G)
Railway Board

No. 89/RS(G)/779/6

New Delhi, dated: 12.03.2013

Copy to:

1. FA&CAOs, All Indian Railways & Production Units
2. PCEs, All Indian Railways & PUs, WPO/Patna, RCF/RBL, COFMOW, DMW
3. CMEs, CEEs, CSTE, All Indian Railways & Production Units

4. The ADAI(Railways), New Delhi (with 10 spares copies)
5. The Director of Audit, All Indian Railways

AsM

for Financial Commissioner/Railways

No. 89/RS(G)/779/6

New Delhi, dated: 12.02.2013

Copy to:

1. The COSs, All Indian Railways & PUs including NF(C)
2. The COS, Metro Railway, Kolkata
3. The COS, COFMOW, New Delhi
4. The COS, CORE, Allahabad
5. CMM/RCF/RBL, Kishanganj, Delhi
6. COS, Workshops Project Organisation, Patna
7. The Directors-
 - a. Indian Railway Institute of Sig. Engg. & Telecom, Secunderabad
 - b. Indian Railway Institute of Mech. & Elec. Engg., Jamalpur
 - c. Indian Railway Institute of Elect. Engg., Nasik
 - d. Sr. Prof. (Material Management), Railway Staff College, Vadodara
 - e. Indian Railway Institute of Civil Engg., Pune
 - f. Indian Railway Institute of Logistics & Materials Management, IDA House, Sector IV, R.K.Puram, New Delhi
8. Chairman, Railway Rates Tribunal, Chennai.
9. Director, Iron & Steel, 3, Koila Ghat Street, Kolkata
10. Executive Director (Stores), RDSO, Manak Nagar, Lucknow
11. Chief Commissioner, Railway Safety, Lucknow
12. Zonal Railway Training Institute, Sukuadia Circle, Udaipur-313004

Santosh Mittal

**(Santosh Mittal)
Dy. Director Railway Stores (G)
Railway Board**

No. 89/RS(G)/779/6

New Delhi, dated: 12.02.2013

Copy to :

1. The General Secretary , AIRF, 4 State Entry Road , New Delhi.
2. The General Secretary , NFIR, 3 Chelmsford Road, New Delhi.
3. The Secretary General, IRPOF, Room No. 268, Rail Bhavan, New Delhi
4. The Secretary General, FROA, Room No. 256-D, Rail Bhavan, New Delhi.
5. The Secretary General, AIRPFA, Room No. 256-D, Rail Bhavan, New Delhi

Santosh Mittal

**(Santosh Mittal)
Dy. Director Railway Stores (G)
Railway Board**

Copy to:- Sr. PPSs / PPS / PS to :

- (i) MR, MOS(R)(A), MOS(R)(K)
- (ii) CRB, FC, ME, ML, MM, MS, MT, SECY., DG (RHS), DG (RPF)
- (iii) All AMs and Advisors of Railway Board
- (iv) All Executive Directors of Railway Board
- (v) All Directors of Elect., Engg., Finance, Mech., Stores, Signal & Telecom Dte. &
- (vi) All Branches of Elect., Engg., Finance, Mechanical, Stores, Signal & Telecom Dte.

Telegraphic Address :
SAFARKTA New Delhi

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सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक ए, आई.एन.ए., नई दिल्ली 110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं/सं. सं. 02/6-C (I-SPI(D)-2/03

दिनांक Dated 18.01.2012

Circular No. 03-01-12

Sub. Consideration of Indian Agents.

Ref: Commission's Circular Nos. 12/02-6-C (I-SPI(D)-2 dated 7.01.2003 and 21.04.2004

प्रति,

The Commission has been stressing on the need for observing transparency and determination of prices in a fair market competition while dealing with the tenders relating to procurement. The above OMs were issued to reduce the possibility of collusion and cartelization among the bidders so that competitive fair market price of the items of procurement can be determined.

2. A number of references have been received in the Commission coming certain specific situations and difficulties being faced in dealing with tenders. Therefore, the matter has been again examined by the Commission.

3. In supersession to the earlier OMs dated 7.01.2003 and 21.04.2004, Commission has decided that in all cases of procurement, the following guidelines may be followed:

- a) In a tender, either the Indian agent on behalf of the Principal O/M or Principal O/M itself can bid but both cannot bid simultaneously for the same item/product in the same tender.
- b) If an agent submits bid on behalf of the Principal O/M, the same agent shall not submit a bid on behalf of another Principal O/M in the same tender for the same item/product.
4. The tender conditions may be carefully prepared keeping in view the above guidelines.
5. The receipt of these guidelines may please be acknowledged and circulated amongst the concerned officers for their information and guidance.

सचिव
केन्द्रीय सतर्कता आयोग
नई दिल्ली

To: All CVOs of Ministries, Departments, PSUs, Banks, Insurance Companies, Autonomous Organizations, Societies, etc.

NO. 12-02-6-CTE/SPI (I)-2
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION
(CTE's ORGANISATION)

SATARKTA BILAVAN,
BLOCK A, GPO COMPLEX,
INA, NEW DELHI- 110023

Dated the 7th January 2003

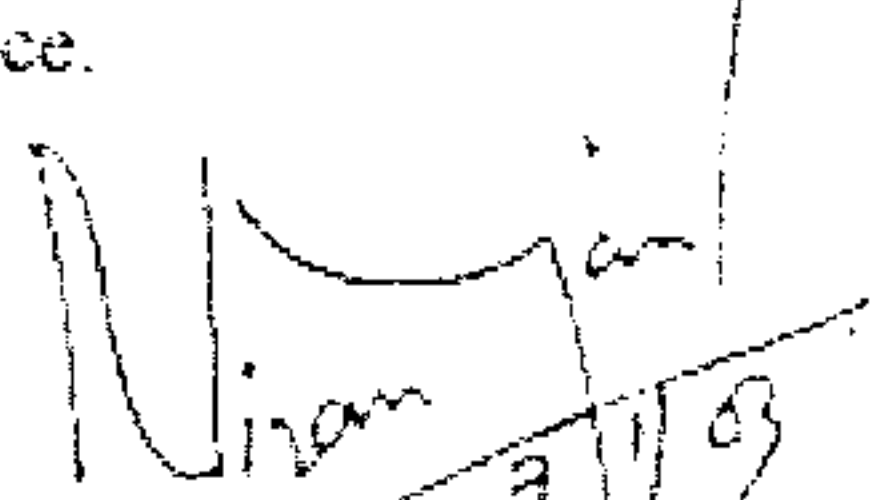
OFFICE MEMORANDUM

Subject: Consideration of Indian Agents

The Commission has received a complaint alleging that in Government tenders at times an Indian Agent participates on behalf of two different foreign suppliers and in the event of only offers of these two suppliers getting short-listed, then the Indian representative knowing the prices of the two foreign suppliers/manufactures may take an undue advantage.

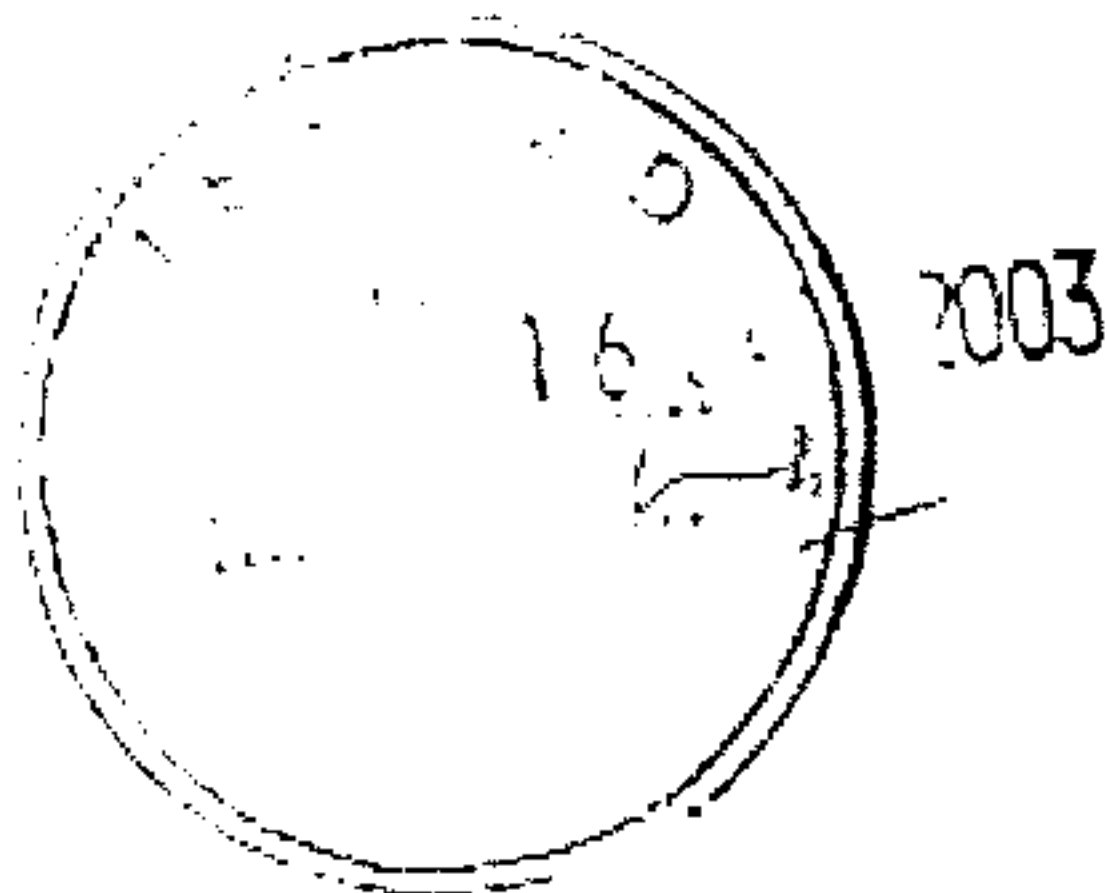
2. The issue has been deliberated in the Commission. In order to maintain sanctity of the tender system, it is advised that one Agent cannot represent two suppliers or quote on their behalf in a particular tender.

3. It is suggested that these instructions may be circulated amongst the concerned officials of your organization for guidance.


(NIRANJAN SINGH)
UNDER SECRETARY

To

All CVOs of Ministries/Departments/PSUs/Banks/Insurance
Companies/Autonomous Organisations/Societies/UTs.



No. 12-02-6-CTE-SPI(I)-2
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhavan,
Block A, GPO Complex,
INA, New Delhi – 110 023.
Dated the 21st April 2004.

Office Order No. 25/04/04

Subject : - Consideration of Indian Agents.

The Commission has received a complaint alleging that in Government tenders an agent participates by representing a company officially and another bid is submitted as a 'direct offer' from the manufacturer. At times, the agent represents a foreign company in one particular tender and in another tender the said foreign company participates directly and the agent represents another foreign company. There is a possibility of cartelisation in such cases and thus award of contract at higher prices.

2. The issue has been deliberated in the Commission. In order to maintain the sanctity of tendering system, it is advised that the purchases should preferably be made directly from the manufacturers. Either the Indian Agent on behalf of the foreign principal or the foreign principal directly could bid in a tender but not both. Further, in cases where an agent participates in a tender on behalf of one manufacturer, he should not be allowed to quote on behalf of another manufacturer alongwith the first manufacturer in a subsequent / parallel tender for the same item.

3. It is suggested that these guidelines may be circulated amongst the concerned officials of your organization for guidance.



(A.K. Jain)
Technical Examiner
For Chief Technical Examiner

To
All O/COs of Ministries/Departments/PSUs/Banks/Insurance
Companies/Autonomous Organisations/ UTs.

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं. 89/आरएस(जी)/779/6

नई दिल्ली, दिनांक 12.03.2013

महाप्रबंधक, सभी भारतीय रेलें एवं उत्पादन इकाइयां, पूर्वोत्तर सीमा (निर्माण) सहित ।
महाप्रबंधक, कोर, इलाहाबाद।
महाप्रबंधक, मेट्रो रेलवे, कोलकाता।
महानिदेशक, अ.अ.मा.स. लखनऊ एवं रेलवे स्टाफ कॉलेज, वडोदरा।
मुख्य प्रशासनिक अधिकारी/ वर्कशाप परियोजना संगठन, पटना।
मुख्य प्रशासनिक अधिकारी/ डीजल आधुनिकीकरण कारखाना, पटियाला एवं कॉफमो, नई दिल्ली।
मुख्य प्रशासनिक अधिकारी/रेल कोच फैक्टरी/आरबीएल/पुरानी टी ए बिल्डिंग, किशन गंज, नई दिल्ली।

विषय:-भारतीय एजेंट पर विचार करना।

संदर्भ:- सीवीसी का दिनांक 13.01.2012 का पत्र संख्या 12-02-6-सीटीई/एसपीआई (आई)-
2/161730 (प्रतिलिपि संलग्न).

उपर्युक्त संदर्भाधीन पत्र के तहत सीवीसी ने उचित बाजार प्रतियोगिता के माध्यम से मिलीभगत और व्यवसायिक समूहन की संभाव्यता को कम करते हुए उचित बाजार मूल्य प्राप्त करने पर पुनः जोर दिया है।

2. इसके अलावा, एजेंट एवं प्रिंसिपल/ओइएम के संबंध में दिनांक 10.1.2007 के पत्र सं. 99/आरएस(जी)/779/2 के तहत अनुदेश जारी किए गए थे।

3. इनमें अधिक्रमण करते हुए अब निम्नलिखित अनुदेश जारी किए जाते हैं:

(क) एक ही टेंडर में, प्रिंसिपल/ओइएम की ओर से भारतीय एजेंट या स्वयं प्रिंसिपल/ओइएम बोली लगा सकते हैं लेकिन दोनों एक ही निविदा में एक ही मद/उत्पाद के लिए एक साथ बोली नहीं लगा सकते हैं।

(ख) यदि एजेंट प्रिंसिपल/ओइएम की ओर से बोली प्रस्तुत करता है तो वही एजेंट एक ही मद/उत्पाद के लिए एक ही निविदा में दूसरे प्रिंसिपल/ओइएम की ओर से बोली प्रस्तुत नहीं करेगा।

4. उपर्युक्त को शामिल करते हुए उपयुक्त शर्त को बोली दस्तावेज में भी शामिल किया जाए।
5. इसे रेल मंत्रालय के वित्त निदेशालय की सहमति से जारी किया जाता है।

संलग्न: यथोक्त।

सन्तोष मित्तल

(संतोष मित्तल)

उप निदेशक रेलवे भंडार (जी)।

रेलवे बोर्ड

सं. 89/आरएस(जी)/779/6

नई दिल्ली, दिनांक 12.02.2013

प्रतिलिपि प्रेषित:

1. वित्त सलाहकार एवं मुख्य लेखा अधिकारी, सभी भारतीय रेलें एवं उत्पादन इकाइयां ।
2. पीसीई, सभी भारतीय रेलें एवं उत्पादन इकाइयां, डब्ल्यूपीओ/पटना, आरसीएफ/आरबीएल, कॉफमो, डीएमडब्ल्यू ।
3. सीएमई, सीईई, सीएसटीई, सभी भारतीय रेलें एवं उत्पादन इकाइयां
4. एडीएआई (रेलें), नई दिल्ली (10 अतिरिक्त प्रतियों सहित)
5. निदेशक, लेखा परीक्षा, सभी भारतीय रेलें।

31/2/13

कृते वित्त आयुक्त/रेलें

सं. 89/आरएस(जी)/779/6

नई दिल्ली, दिनांक 12.02.2013

प्रतिलिपि प्रेषित:

1. सीओएस/सभी भारतीय रेलें एवं उत्पादन इकाइयां, पूर्वोत्तर सीमा (निर्माण) सहित ।
2. सीओएस/मेट्रो रेलवे कोलकाता ।
3. सीओएस/ कॉफमो, नई दिल्ली।
4. सीओएस/ कोर, इलाहाबाद।
5. सीएमएम/आरसीएफ/आरबीएल, किशनगंज, दिल्ली।
6. सीओएस/वर्कशॉप परियोजना संगठन, पटना।
7. निदेशक-

क. भारतीय रेल सिग्नल इंजीनियरी एवं दूरसंचार संस्थान, सिंकदराबाद।

ख. भारतीय रेल यांत्रिक एवं बिजली इंजीनियरी संस्थान, जमालपुर।

ग. भारतीय रेल बिजली इंजीनियरी संस्थान, नासिक

घ. वरिष्ठ प्रो. (सामग्री प्रबंधन), रेलवे स्टाफ कॉलेज, वडोदरा।

ड. भारतीय रेल सिविल इंजीनियरी संस्थान, पुणे।

च. भारतीय रेल लॉजिस्टिक एवं सामग्री प्रबंधन, आईडीए हाउस, सेक्टर-4, आर.के.पुरम,
नई दिल्ली।

8. अध्यक्ष, रेल दर अधिकरण, चैन्नई ।
9. निदेशक, लौह एवं इस्पात, 3, कोयला घाट स्ट्रीट, कोलकाता।
10. कार्यापालक निदेशक (भंडार), अ.अ.मा.स., मानक नगर, लखनऊ।
11. मुख्य रेल संरक्षा आयुक्त, लखनऊ।
12. क्षेत्रीय रेल प्रशिक्षण संस्थान, सुखाडिया सर्किल, उदयपुर- 313004

सन्तोष मित्तल
(संतोष मित्तल)

उप निदेशक रेलवे भंडार (जी)।
रेलवे बोर्ड

सं. 89/आरएस(जी)/779/6

नई दिल्ली, दिनांक 12 .02.2013

प्रतिलिपि प्रेषित:

1. महासचिव, एआईआरफ, 4 स्टेट एंट्री रोड, नई दिल्ली।
2. महासचिव, एनएफआईआर, 3 चेम्सफोर्ड रोड, नई दिल्ली।
3. महासचिव, इरपोफ, कमरा नं. 268, रेल भवन, नई दिल्ली।
4. महासचिव, फ्रोआ, कमरा नं. 256-डी, रेल भवन, नई दिल्ली।
5. महासचिव, एआईआरपीएफए, कमरा नं. 256-डी, रेल भवन, नई दिल्ली।

सन्तोष मित्तल
(संतोष मित्तल)

उप निदेशक रेलवे भंडार (जी)।
रेलवे बोर्ड