



In-Service Training Programme on Public Procurement

for AIS (IAS/IFS/IPS) officers and officers under the
Central Staffing Scheme | 19th – 23rd November 2018
New Delhi, India



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Event Report

1. Introduction

CUTS Institute for Regulation & Competition (CIRC) organised a five days' training programme on 'Public Procurement' for All India Services (AIS) and other officers as a part of the In-Service training calendar of Department of Personnel and Training (DoPT), Government of India (GoI). The course was organized from 19th – 23rd November, 2018 at Civil Services Officers Institute (CSOI), Chanakyapuri New Delhi – 110021. The objective of this course was to enhance officers' knowledge about economic and legal aspects of government procurement, capture the reforms in the system and to provide a 360 degree' perspective on the subject of Public Procurement (PP). The course involved 17 sessions (excluding inaugural and valedictory sessions) wherein each session was taken by experts in the subject area for 90 minutes. The pedagogy involved interactive lectures, discussion on case studies and experience sharing.

2. Programme summary

The training provided detailed knowledge about the background and latest developments since the publication of the new General Financial Rules (GFR) in March 2017 in the field of public procurement. Legal background and new rules governing procurement of goods, services and works, as laid out in the Manuals on these subjects were covered in four sessions. Recent advancements through electronic public procurement were covered in two sessions. The international standards against which Indian public procurement rules could be compared were also presented through three sessions: one on the comparative analysis of public procurement regimes of India, UK and China; second on the new procurement framework of the World Bank, and third on the Central Vigilance Commission's (CVC) Guidelines on public procurement. The complex nature of procurements in Public-Private Partnerships (PPP) and the WTO perspective of the subject were covered through one session each. The latter session included the discussion on the opportunities and challenges of India's joining WTO's agreement on public procurement. The support to pro-probity elements in the procurement rules received through other Indian legislations was also discussed in a separate session. The interface of public procurement policy with other key policies like Competition Policy, Make-in-India initiative, MSME policy and Green Public Procurement were also covered in four separate sessions. Besides that, issues of international commercial bidding were also discussed in a separate session.

The enthusiastic involvement of AIS Officers by raising questions and experience sharing (from both sides i.e. speakers and participants) made the training programme prolific for all stakeholders involved in the programme. The detailed session-wise proceedings are given in section 3. Agenda of the course proceedings is attached to this report as Annexure A.

3. Detailed Proceedings

3.1. Day 1 (19th November, 2018)

The course registration started on 19th November 2018 at 9:00 am whereby three participants registered. Upon registration, the participants were provided with the training kits that included a detailed course schedule, notepad and pen. The inaugural session began with the welcome address by Mr. Pradeep S Mehta (Secretary General, CUTS International cum Secretary, CIRC). Mr. Mehta began his speech by briefing the core activities of CIRC in the sphere of competition and regulation policy research. He further provided an overview of PP procedure and explained the importance of Public-Private-Partnership (PPP) and transparency in PP process. This was followed by the course introduction and its proceedings by Ms. Bulbul Sen (Course Director, Former Chief Commissioner (IT) & Former Member, Expert Group on Public Procurement, UNODC).

The first session of the course was delivered by Justice S.N. Dhingra (Retd. Delhi HC, Judge & Former Member, Competition Commission of India) on *Legal background for public procurement regulation in India*. Justice Dhingra talked about the provisions of procurement in the Constitution of India, 1950. He explained the contracts and issue related to them.

The second session of the first day titled *Over-view of Public Procurement for Senior Administrators* was delivered by Mr. Girish Bhatnagar (Public Procurement Consultant, The World Bank and Ministry of Finance, GoI). Mr. Bhatnagar started his lecture with an overview of PP, describing its coverage, applicability and strategic importance. He introduced the participants about legal, institutional, and regulatory frameworks and theories of public procurement like auction theory, game theory, agency theory, and contract theory etc. He also talked about fundamentals (like transparency, professionalism, public accountability, and transactional principles) of public procurement and the concept of value for money. Mr. Bhatnagar concluded his session by discussing about the problems and areas of improvement in current practices of PP.

The third session was delivered by Mr. Mayank Bisht (Director - Training, Government e-Marketplace (GeM)) on *Techniques of Public Procurement in Government e-Marketplace (GeM)*. Mr. Bisht started his session by giving the introduction and market statistics of the GeM platform that is an online procurement portal for all government buyers. Mr. Bisht explained the working of the GeM platform, its salient features, recent updates and benefits. He concluded the session by showing that long term Gross Merchandise Value (GMV) on GeM is estimated to be around 4-5% of GDP and GeM has immense potential of growth and impact on nation building.

3.2. Day 2 (20th November, 2018)

The second day of the training involved four sessions (of 90 minutes each) on topics like: comparative analysis of PP regimes in India, UK, and China; PP of consultancy service in India; functional aspects of electronic procurement; and lastly, sustainable public procurement – opportunities and challenges for India.

The first session was engaged by Ms. Bulbul Sen (Former Chief Commissioner (IT) & Former Member, Expert Group on Public Procurement, UNODC) on *Comparative Analysis of Public Procurement Regimes in India, UK, China and within India*. Ms. Sen conducted her session in two parts. In the first

part she provided the comparative analysis and overview of state acts on PP like: Rajasthan Transparency in PP Act, 2012 and Assam PP Act, 2017. She explained the problems in the definition of “goods” in both the Acts, differences in the two Acts based on the threshold of procurement, coverage and modes of bidding. Ms. Sen also engaged participants in the discussion of the difference between ‘two-stage bidding’ and ‘Swiss challenge mode’ of bidding. The participants also shared their experience and provided suggestions to incorporate the latter in the PP process. In the second part, Ms. Sen provided international comparison of PP regulation in India, China and UK. In this session, Ms. Sen not only compared regulations of all the three nations but also gave useful suggestions over what India can learn from UK and China’s Public Procurement Regulation mechanism.

The second session of the day was conducted by Mr. M.P. Gupta (Former Additional Secretary, Ministry of Finance, GoI) on *Public Procurement of consultancy services in India*. Mr. Gupta started his session by referring to the manuals like GFR – 2017 and Manual for Procurement of Goods & Services (G&S) – 2017 published by the GoI. Mr. Gupta mentioned about various types of consultancy services, when such services are justified and important principles to be taken into account for effective procurement cycle of the consultancy services. He also explained various modes of selection like least cost based selection, quality and cost based selection and single source selection methods through examples.

The third session was delivered by Mr. M Rama Amritham (Technical Director – e-Procurement division, National Informatics Centre (NIC)) on *Functional Aspects of Electronic Procurement*. Mr. Amritham introduced the Government eProcurement System of NIC (GePNIC) which was developed to facilitate electronic procurement of goods, services and works in Government. Mr. Amritham also provided a brief of the growth statistics of e-tenders published and processed during 2015-2018 on GePNIC portal. Participants were also given live demonstration of the tender creation and publication on the e-portal. Further, they were taught about the technical bid evaluation and financial bid opening along with the demonstration of the Central Public Procurement Portal (CPPP).

The fourth and last session was engaged by Mr. Sanjay Kumar on *Sustainable Public Procurement – Opportunities and Challenges for India*. Mr. Kumar started his session by engaging participants in a live poll cum discussion on questions like - what is the most fundamental principle of public procurement? and what is the fundamental question that our generation faces today? After a brief discussion over these questions, Mr. Kumar explained the challenges that India is facing in attaining and establishing a sustainable PP mechanism. Viewing government as the consumer in the PP process, Mr. Kumar mentioned about the immense opportunity that the government has by combining its’ purchasing and regulatory power to create well-articulated demand for environmental goods and services. Through an interesting example of the sustainable procurement of energy efficient electrical appliance Mr. Kumar showed the benefits of the use of Life Cycle Costing (LCC) as an evaluation criterion. Mr. Kumar concluded the session by emphasizing the need to have policy framework for sustainable PP and discussing the baby steps taken in this direction through GFR - 2017

3.3. Day 3 (21st November, 2018)

The third day started with the session on '*Current Procurement Framework of World Bank*' delivered by Mr. Shivendra Kumar (Senior Procurement Specialist, World Bank, New Delhi) along with Mr. Simon Chirwa (Lead Procurement Specialist, Governance Global Practice, World Bank). The session started with the brief introduction of the World Bank Group (WBG), its funding source, top borrowers, and its operation in India. The session proceeded with the description of the features and principles of the New Procurement Framework of the World Bank. Both the speakers engaged participants in an interesting discussion on the concepts of fit of purpose, Project Procurement Strategy for Development (PPSD), information disclosure, unbalanced and front-loaded bids, e-auction and e-reverse auction. The session concluded with the discussion on how the world bank PP process is different from the PP process of GoI and what assistance or support can be provided by the World Bank in improving the government's process.

The second session was engaged by Mr. R.K. Pandey (Member-Projects, National Highway Authority of India) on the topic '*International commercial bidding (ICB)*'. The lecture started with an explanation of the reason why we need ICB in India. There was an elaborated discussion on various aspects of ICB like: preparation and publication and Notice Inviting Tender (NIT), deciding the currency and language of bid, evaluation and selection mechanism of bids for consultancy services (quality & cost based, quality based and low cost based selection) and for works (item rate contract, hybrid annuity contract and toll operate transfer etc.) respectively. The session concluded with the discussion on the key issues to be taken into consideration for bid selection like: MSME preferences, national policies like Make in India, Joint Venture (JV) between foreign and domestic firms, restriction on the sourcing of labour and material etc.

The third session was engaged by Mr. Shailendra Singh (Chief Technical Examiner, Central Vigilance Commission, GoI) on the topic '*CVC's guidelines on public procurement*'. The session started with the discussion on factors to be considered while setting the eligibility criteria or deciding the pre-qualification of the bidders on the Notice Inviting Tender (NIT). Participants were taught in detail about the rules and regulations of the tender document's preparation and publications, appointment of consultant, operation of consultancy contracts, avoidance of conflict of interest, fair play in competitive bidding. Detailed discussions were held on various areas of concerns like: how to ensure the timeliness in the tender processing, dealing with delays in the completion of the contractual agreement, delays in payment to the contractor, and how to address unfair and corrupt practice.

3.4. Day 4 (22nd November 2018)

The Fourth day of the training started with the session on '*Public Procurement in Civil Works*' taken by Mr. V. L. Patankar (Director – Indian Academy of Highway Engineers). The session started with the introduction of different contracting models for public funded projects and public-private-partnership projects. The session involved detailed discussion on features, objectives, and obligations of authority for item rate contracts and Engineering Procurement and Construction (EPC) mode of contracts for public funded projects. For PPP discussions were held on roles and responsibility of employer, concessionaire under Built, Operate Transfer (BOT) (Toll) and BOT (Annuity).

The second session of the third day on '*Competition Law and Public Procurement Policy Interface*' was engaged by Mr. Amithabh Kumar (Partner – J. Sagar Associates, Former DG, Competition Commission of India). The session started with an overview of Section 3 (anti-competitive agreements), Section 4 (Dominant position) and Section 5 (merger control) of the Competition Act,

2002 and its importance in PP. The session also included a discussion on the impact, detection and prevention of bid-rigging in public procurement and concluded with three case discussions on identification of bid-rigging in public procurement.

The third and last session of the day was engaged by Dr. Nitya Nanda (Senior Fellow and Associate Director, The Energy and Resource Institute) on *Make in India, Market Access in GFR 2017 and Public Procurement: The Interface*. The session started with the general introduction of 'Make in India Campaign', its purpose, new policies and initiatives, and its relation to the public procurement. Dr. Nanda explained in detail the Market Access (MA) provision (Rule 161-iv) for PP under the General Financial Rule (GFR) – 2017, and its' implication on the India's policy thrust of Make in India. He cited several case examples to illustrate the effect of Foreign Direct Investment (FDI) on Public Procurement.

3.5. Day 5 (23rd November 2018)

The first session of the fifth day was delivered by Dr. Nitya Nanda on the topic *'Government Procurement Agreement (GPA) at WTO: Challenges and opportunities for India'*. The lecture started with the introduction of the GPA of WTO, Its objectives, basic principles, provisions, and present and potential accessions. Detailed discussions were held over the preferences or relaxations given to the newly acceding members, cost of accession, potential benefits and challenges faced by the acceding members. The session was concluded with a discussion and suggestions on the precautions to be taken while adopting GPA standards.

The second session dealt with *Procuring Private Partnership in Public Private Partnership (PPP) Projects*. The session was engaged by Ms. Sharmila Chavaly (Former Joint Secretary, Department of Economic Affairs, Ministry of Finance, GoI). The session started with the discussion on the principles of PP and the Government's roles and responsibilities as PP agency. Detailed discussions were then held on the Rules of GFR – 2017 regarding public buying, e-publishing, and advertised tender enquiry etc. Ms. Chavaly concluded the session by explaining key factors in partner's selection in PPP, public policy issues, key challenges and possible steps that can be taken by the government in PPP.

The last session of the training programme was on *Legislation in India to support pro-probity elements in the public procurement rules and practices*, which was taken by Dr S. K. Sarkar (IAS (retd.), Distinguished Fellow, The Energy and Resources Institute (TERI)). Dr Sarkar taught the participants about the GFR Rule 175 of public procurement regarding the code of integrity and institutional changes (like ensuring transparency, effective prosecution etc.) that are needed to curb corruption in the bidding process. Further, Dr Sarkar explained in detail about the anti-corruption laws in India along with their amendments like: The Prevention of Corruption Act (PC), 1988 (with 2018 amendments), The Lokpal and Lokayuktas Act 2013, The Whistleblower Protection Act, 2011 etc.

To end the course, a Valedictory session in the presence of Dr. S. K. Sarkar, Ms. Bulbul Sen (Course Director) and Ms. Garima Sodhi, (Fellow-CIRC) was held. Dr Sarkar congratulated all the participants on successfully completing the course and emphasized the usefulness and importance of such courses. Ms. Bulbul Sen addressed the closing ceremony congratulating all the participants on accomplishing the course. The certificates were distributed to the participants by Dr. Sarkar and Ms. Garima Sodhi. The training was successfully closed by a vote of thanks and feedback from the participating IAS officers.

4. Feedback and suggestions

The course received encouraging and positive response from the participants and they indicated that the course content is helpful in their profession. All the participants rated sessions as either excellent or very good and suggested conducting more trainings/workshops on similar topics. Suggestions were received for including more real life examples of public procurement in the lectures and to reduce the session duration to 60 minutes from 90 minutes. Table 1 below shows the number of participants providing the ratings to each session of the course and Table 2 presents the individual inputs by each participant regarding overall usefulness of the course.

Table 1. Number of participants providing rating to course quality and content

	Course content	5* (Excellent)	4* (Very good)	3* (Good)	2* (Average)	1* (Poor)	No response
1	Justice S.N. Dhingra: Legal background for public procurement regulation in India	2	1	0	0	0	0
2	Mr. Girish Bhatnagar: Overview of Public Procurement for Senior Administrators	1	2	0	0	0	0
3	Mr. Mayank Bisht Techniques of public procurement in Government e-Marketplace (GeM)	1	2	0	0	0	0
4	Mr. Ketan Mukhija MSMEs in public procurement	0	2	0	0	0	1
5	Ms. Bulbul Sen: Comparative analysis of public procurement regimes in India, UK, China and within the Indian States	1	2	0	0	0	0
6	Mr. MP Gupta Public procurement of consultancy services in India	1	2	0	0	0	0
7	Mr. M Rama Amirtham Functional aspects of electronic procurement	0	3	0	0	0	0
8	Mr. Sanjay Kumar Sustainable public procurement – opportunities & challenges for India	1	2	0	0	0	0
9	Mr. Shivendra Kumar & Mr. Simon Chirwa: Current procurement framework of World Bank	1	2	0	0	0	0

10	Mr. R.K. Pandey: International Commercial Bidding	1	2	0	0	0	0
11	Mr. Shailendra Singh: CVC's Guidelines on Public Procurement	0	3	0	0	0	0
12	Mr. V.L Patankar: Public procurement in civil works in India	2	0	0	0	1	0
13	Mr. Amitabh Kumar: Competition law and public procurement policy interface	3	0	0	0	0	0
14	Dr. Nitya Nanda: Make in India', Market access in GFR 2017 & public procurement: the interface	1	2	0	0	0	0
15	Dr. Nitya Nanda: Government procurement agreement of WTO - Challenges and opportunities for India to join this plurilateral agreement	2	1	0	0	0	0
16	Ms. Sharmila Chavaly: Procuring private partners in Public Private Partnership (PPP) projects	3	0	0	0	0	0
17	Dr. S.K. Sarkar: Legislation in India to support pro-probity elements in the public procurement rules & practice	1	1	1	0	0	0
The columns indicate number of participants that gave the corresponding ratings to the respective issues, total number of participants being 3.							

Table 2. Comments and Suggestions

Name of Participant	Department/ Ministry	Course was beneficial for the profession	Interested to attend another course on this subject	It helped in increasing the understanding on	Suggested future courses	Suggested improvements	Would you recommend this course	Comments
Rachit Raj	IAS, DDO Chhotaudepur, Govt. of Rajasthan	Yes	Yes	Overall public procurement	1)How to manage fiscal deficit 2)Work-life balance	Lecture duration can be shortened to 30 mns. per lecture	Yes, because the course content is very enriching.	1)Some real life examples could also be taken 2)Mr. Patankar was highly inefficient in explaining the concept, so he must not be included as speaker.
Mr. Gaurav Dayal	Staff officer to CS (Lucknow, UP)	Yes	Maybe	Public procurement methodologies and processes	Environmental issues	Sessions' duration should be 60 mns. per lecture and may be over by 3 pm daily if possible	Yes	Nil
Mr. Govind Jaiswal	Secretary, Govt. of Gujarat	Yes	Yes	Financial aspects of public procurement	Public Private Partnership	Content can be improved	Yes	Nil

5. Conclusion

The five-day course was organised with the idea of helping IAS officers in the middle of their career to gain knowledge on public procurement. Participants confirmed at the end of the programme that it served its purpose and they will be able to apply the tools and assessment techniques learnt through this course in their respective fields. The participants were overall satisfied with the course content and wished to recommend it to their colleagues. The course was conducted successfully and CIRC looks forward to, following the suggestions from the participants, offer more trainings/workshops on specified subjects for Officers and add to the current course structure for future sessions

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Venue - Civil Services Officers Institute (CSOI), Chanakya Puri, Vinay Marg, New Delhi 110021

Landline-01124195300;01124195303

Course Director:

Bulbul Sen
Former Chief Commissioner (IT) &
Former Member, Expert Group on Public
Procurement, UNODC

Course Co-ordinator:

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Agenda

Date and Session	Topic	Faculty / Resource Persons
Day 1	19th November 2018	Monday
09:00 AM – 09.30 AM	REGISTRATION	
09.30 AM - 10.00 AM INAUGURAL SESSION	Chaired by Mr. Pradeep S Mehta	Keynote address by Mr. Pradeep Mehta Secretary General, CUTS International, and Secretary, CUTS Institute for Regulation & Competition
10.00 AM – 10.15 AM	TEA BREAK	(Group Photo)
10:15 AM – 11:45 AM	Legal background & economic rationale for public procurement regulation in India	Justice S.N. Dhingra (Retd. Delhi HC Judge & Former Member, Competition Commission of India)
11:45 AM – 01:15 PM	Over-view of Public Procurement for Senior Administrators	Mr. Girish Bhatnagar Public Procurement Consultant, The World Bank and Ministry of Finance, GoI
1.15 PM-2.00 PM	LUNCH BREAK	
2:00 PM to 3:30 PM	Techniques of public procurement in Government e- Marketplace (GeM)	Mr. Mayank Bisht Director (Training) GeM, Government E-Marketplace SPV, Ministry of Commerce, GoI
3.30 PM – 3.45 PM	TEA BREAK	
3.45 PM – 5.15 PM	MSMEs in public procurement	Mr. Ketan Mukhija Partner, Pathak & Associates Law Offices, New Delhi
Day 2	20th November 2018	Tuesday
9.30 AM - 11.00 AM	Comparative analysis of public procurement regimes in India, UK, China and within the Indian States	Ms. Bulbul Sen Course Director, Independent Consultant – Public Procurement Policy,

		Former Chief Commissioner (IT)
11.00 AM – 11.15 AM	TEA BREAK	
11.15 AM – 12.45 PM	Public procurement of consultancy services in India	Mr. MP Gupta Former Additional Secretary, Ministry of Finance, GoI
12.45 PM – 1.30 PM	LUNCH BREAK	
1:30 PM – 3:00 PM	Functional aspects of electronic procurement.	Ms M Rama Amritham Technical Director, E-Procurement Implementation Division, National Informatics Centre
3.00 PM – 3.15 PM	TEA BREAK	
3:15 PM – 4:45 PM	Sustainable public procurement – opportunities & challenges for India	Mr. Sanjay Kumar Additional GM, Dedicated Freight Corridor Corporation, Ministry of Railway, GoI
Day 3	21st November 2018	Wednesday
9.30 AM - 11.00 AM	Current procurement framework of World Bank	Mr. Shivendra Kumar Senior Procurement Specialist, World Bank, New Delhi Mr. Simon Chirwa Lead procurement Specialist, Governance Global Practice, World Bank
11.00 AM – 11.15 AM	TEA BREAK	
11:15 AM – 12:45 PM	International Commercial Bidding	Mr. R.K. Pandey Member (Projects), National Highways Authority of India
12.45 PM – 1.30 PM	LUNCH BREAK	
1:30 PM – 3:00 PM	CVC's Guidelines on Public Procurement	Mr. Shailendra Singh Chief Technical Examiner, Central Vigilance Commission, GoI
3.00 PM – 3.15 PM	TEA BREAK	
3:15 PM – 4:45 PM ¹	Probity in Public Procurement & Integrity pact	Mr. Ashutosh Mishra Member, Transparency International
Day 4	22nd November 2018	Thursday
9.30 AM - 11.00 AM	Public procurement in civil works in India	Mr. V.L Patankar Additional Director General, Ministry of Road Transport and Highways(Retd.), Director, Indian Academy of Highway Engineers

¹ Session dropped

11.00 AM – 11.15 PM	TEA BREAK	
11:15 AM – 12:45 PM	Competition law and public procurement policy interface	Mr. Amitabh Kumar IRS (Retd.) Partner, J. Sagar Associates, Former DG, Competition Commission of India
12.45 PM – 1.30 PM	LUNCH BREAK	
1:30 PM – 3:00 PM	'Make in India', Market access in GFR 2017 & public procurement: the interface	Dr. Nitya Nanda Senior Fellow & Associate Director, The Energy and Resources Institute (TERI)
3.00 PM – 3.15 PM	TEA BREAK	
3:15 PM to 4:45 PM ²	Red Flags in electronic Procurement	Mr. Ashish Goel Regional Head (East), Mjunction Services Ltd
Day 5	23rd November 2018	Friday
9.30 AM – 10.45 AM	Government procurement agreement of WTO - Challenges and opportunities for India to join this plurilateral agreement	Dr. Nitya Nanda Senior Fellow & Associate Director, The Energy and Resources Institute (TERI)
10.45 AM – 11.00 AM	TEA BREAK	
11:00 AM – 12:00 PM	Procuring private partners in Public Private Partnership (PPP) projects	Ms. Sharmila Chavaly Former Joint Secretary, Department of Economic Affairs, Ministry of Finance, GoI
12:00 PM – 1.30 PM	Legislation in India to support pro-probity elements in the public procurement rules & practice	Dr. S.K. Sarkar, IAS (retd.), Distinguished Fellow, The Energy and Resources Institute (TERI), Former Secretary, DoPT, GOI
1.30 PM – 2.00 PM	Valedictory & Certificate Distribution	Dr. S.K. Sarkar
2.00 PM onwards	Lunch & Departures	

² Session dropped