



Indian Institute of
Corporate Affairs

Partners in Knowledge. Governance. Transformation.

(Centre for Micro, Small & Medium Enterprises)

***Procurement (Procedures & Contracting),
Tenders, Bids & Contract Management (3rd Edition)***

The Galaxy Club, Bangalore
26-28 July, 2018
(Non-Residential)

IICA, IMT Manesar
22-24 August, 2018
(Residential & Non-Residential)

ABOUT INDIAN INSTITUTE OF CORPORATE AFFAIRS

Indian Institute of Corporate Affairs (Website: www.iica.in) is a 21st century unique world class institution established by the **Ministry of Corporate Affairs, Government of India**. Its aim is to provide holistic treatment of all issues that impact corporate functioning to help today's business and shape tomorrow's. **The Hon'ble Minister of State for Finance & Corporate Affairs is the President of IICA. Secretary, Ministry of Corporate Affairs is the Chairperson of the Board of Governors**, which has many eminent personalities. The state-of-the-art campus of IICA is located at Manesar, Dist. Gurgaon, Haryana.

The **Centre for MSME**, an integral part of Indian Institute of Corporate Affairs (IICA), has been established to foster understanding of the regulatory framework, encourage innovative responses to business environments and focus on all other relevant issues affecting the MSMEs. It enables capacity building through training and interactions such as seminars and workshops, engages in documentation and research on MSMEs practices, encourages cluster development initiatives and uses its pivotal crosscutting position to create synergy among various facets of the MSME sector.

ABOUT THE TRAINING PROGRAM

Procurement has become a specialized function in the era of globalization. The changing business environment calls for efficient, responsive and transparent purchase procedures. Today the world class organizations talk about the dedicated suppliers and emphasize on need of an efficient, transparent and effective supply chain management.

Public buying procedures and policy instructions are based on the General Financial Rules (GFR) of the Dept. of expenditure, Ministry of Finance, Government of India. The General Financial Rules have been amended in March 2017 and Rule 149 has also been introduced in this regard. These are a compendium of general provisions to be followed by all offices of Government of India while dealing with matters of the financial nature.

In the manufacturing sector, the cost of material is sometimes up to 65% - 70% of the product cost and the quality of the finished product is heavily dependent upon the quality of material purchased, hence the impact of the procurement functions on cash flow & profitability is very high.

GeM – Government e-Marketplace is the national portal to make public procurement transparent & simple. Conceived by Government of India, GeM is an end-to-end e-commerce platform for procurement of goods & services by Government organizations. GeM offers all modes of procurement (direct purchase, L1, bid & reverse auction) in a paperless and cashless manner. The GeM portal is currently being used by almost all departments/ organizations of Central and State Governments as mandated mandatory by the Government of India.

With the Central Government Ministries and undertakings buying goods & services of at least Rs.2 lakh crore worth of every year, the big question is “How to enhance efficiency & accountability of public & private sector through **“Procurement (Procedures & Contracting), Tenders, Bids & Contract Management”** becomes even more important.

Every contract seems to provide adequate protection when it is negotiated and signed. However, during contract performance, disputes often arise between buying organizations and their suppliers. Not having a good contract management process in place has consequences to both the buying organization and the consuming departments. If no one is managing the performance of the contract, an organization is likely to fail to meet its goals that it had for the project associated with the contract. Such failures may include delayed timelines, cost overruns, and more.

In the above context, with a view to clarifying and discussing various important issues that will ensure maximum efficiency & economy through **“Procurement (Procedures & Contracting), Tenders, Bids & Contract Management”** in public & private purchasing and to share the best procurement practices and to discuss the critical procurement issues of today and future, **Indian Institute of Corporate Affairs (IICA) would like to organize 3rd edition of the Three day capacity building program on “Procurement (Procedures & Contracting), Tenders, Bids & Contract Management”** to improve overall efficiency and effectiveness of public purchase function on various aspects relating to public procurement.

MAJOR PARTICIPANTS IN OUR EARLIER CAPACITY BUILDING PROGRAM - “PROCUREMENT (PROCEDURES & CONTRACTING), TENDERS, BIDS & CONTRACT MANAGEMENT”

Encouraged with the success of our earlier **Three day capacity building program on “Procurement (Procedures & Contracting), Tenders, Bids & Contract Management”**, we feel immense pleasure to share with you list of some of the major participants representing PSUs, Government Departments, Corporate and other private organizations:-

Cochin Shipyard Ltd	MSTC Ltd
Mangalore Refinery and Petrochemicals Ltd	IFCI Limited
Western Coalfields Ltd	Maharashtra Industrial Development Corporation
NETAFIM Irrigation India Pvt. Ltd	Canara Bank
The New India Assurance Co. Ltd	Directorate of Industries, Pune Region
Power Grid Corporation of India Limited	Agriculture Insurance Company of India Ltd
Hindustan Petroleum Corporation Limited	National High Speed Rail Corporation Ltd.
Indian Railways Institute of Signal Engineering and Telecommunications	National Highways & Infrastructure Development Corporation Ltd
State Bank of India	Jaipuria Institute of Management
NLC India Limited	UIDAI
GAIL Training Institute	National Safai Karamcharis Finance and Development Corporation (NSKFDC)
Mytrah N4 Electric Pvt. Ltd.	Glassco Laboratory Equipments Pvt. Ltd.
Bayer Seeds Private Limited	Bayer CropScience Limited
Bayer BioScience Private Limited	Bayer Vapi Private Limited

LEARNING OBJECTIVES

- The program helps you to align your procurement strategies with management expectations and to identify actionable points, which can have an immediate effect on improving the performance of the organization in the short term, & are consistent with strategic imperatives in the long term.
- The program will help you in improving purchasing operations and suggest effective means for enhancing efficiency & transparency in procurement.
- The program will help you strengthen the performance of your vendor base by enabling them to acquire the skills and capacities to raise the product quality, on-time delivery, improve the working capital besides cost competitiveness.
- The program takes through various scientific methods of vendor rating & capability assessment in order to develop a healthy vendor base which will help you improve your working capital and lead time of your products.
- The program will provide insights about latest developments in Government purchase policies & practices and help you understand various aspects of e-procurement & its underline benefits.
- The program will help the participants understand intricacies of procurement in PSUs, Railways, Defence, Health, Aviation, Telecom, Construction and other Central & State Govt. Departments.
- Provide necessary analytical support in respect of high value contracts.
- Renegotiate Contract in changed market forces.
- Ensure that Suppliers and / or contractors comply with obligations that have to be performed by them under the contract
- Identify the document that becomes a legally enforceable part of a contract
- Identify and prevent common risks and inherent risks allocated between Seller and Purchaser and how these risks can be mitigated.
- Reduce the risk of delaying a project by using contract negotiations.
- How to structure contracts
- Learn to write a contract's key legal provisions such as indemnities and limits of liability
- Learn to write a contract's key commercial provisions such as pricing and delivery
- Learn to write a contract's key technical provisions such as specifications and warranties
- Learn to make use of effective styles of contract writing
- Understand how the importance of contracts will differ among international suppliers
- Align understanding of the principles for writing contract language that is clear and ideally suited for international procurement situations

BENEFITS OF PARTICIPATING ORGANIZATIONS

- The program focuses on how your organization can minimize its exposure to risk, reduce costs and the potential for disputes by discussing the key aspects of understanding, drafting and negotiating contracts
- The program features how to monitor & manage performance failures and provides tools, tips & techniques on effective resolution of disputes to minimize costs and reputational risk exposure to your organization
- Ensure maximum efficiency and economy as well as to maintain competitiveness and transparency through contract administration.
- Evaluate Supplier Performance, your requirements and the Market price and competition for Contract termination/renewal decision.
- Protect your company from undue price increases.
- Improve risk management.
- Map and improve processes.
- Facilitating pre & post contract management.

PROGRAM HIGHLIGHTS

- Dedicated three days packed with interactive sessions comprising slide shows, study material and experience sharing etc.
- A certificate of Participation will be awarded to the participants after the successful completion of the program by IICA.

PROGRAM LEARNING CONTENT / COVERAGE

DAY-1

	Opening session – Setting the Context
Session 1	Existing Public Procurement Guidelines – Challenges & Areas of concern <ul style="list-style-type: none"> • Financial Prudence • Risk perspective • Intricacies in Government procurement • Trends in procurement procedures • The Process Accelerator : How E-procurement can bring efficiencies in Government & PSUs • GeM – Government e-Market Place • Q & A Session
Session 2	Legal & Procedural Framework <ul style="list-style-type: none"> • CVC Guidelines • General Financial Rules • Preventive Vigilance & Public Procurement • Q & A Session
Session 3	Effective Strategic Sourcing <ul style="list-style-type: none"> ✓ KPIs for effective sourcing ✓ Drivers of improved procurement performance ✓ Just In Time (JIT)Procurement ✓ EOQ (Economic Order Quantity) concept and modern interpretation ✓ Vendor Selection and Evaluation ✓ Vendor Development – Value drivers ✓ Vendor Rationalization • Q & A Session
Session 4	Open House Q&A Session

DAY-2

<p>Session 1</p>	<ul style="list-style-type: none"> • Tendering process • Bidding process • Risk management at Tender stage • Effective tender management system • Basic structure of tender & bid • Strategic decision • Various models on Vendor rating & assessment • Vendor accountability on quality of their supplies • Build vendor quality systems • Alternate source development • KPIs of all related processes & actions to accelerate operational Excellency • Q & A Session
<p>Session 2</p>	<ul style="list-style-type: none"> • Legal perspective of procurement/tendering • Critical clauses to be negotiated – terms of payment, modes of payment, price variation, liquidated damages, penalties, limitations of liabilities, force majeure, securities & bank guarantees • Q & A Session
<p>Session 3</p>	<p>Basics of Contracting</p> <ul style="list-style-type: none"> • What is a contract • What agreements are contracts • Essential elements of contract • Withdrawal of Acceptance • Discharge of Contracts • Rate Contract and its Distinctive Features • Contract / Agreement towards Consultancy Services • Q & A Session
<p>Session 4</p>	<p>Contract Negotiations</p> <ul style="list-style-type: none"> • How to Reduce the risk of delaying a project by using contract negotiations • Contract Negotiations steps • How to Renegotiate Contract in changed market forces. • Process for negotiating • Q & A Session
<p>Session 5</p>	<p>Futuristic Opportunities for SMEs & Corporate houses in Public Procurement through Offset policy and multiplier provisions</p> <p>India purchased Rs. 38,000 crore of defence equipment from overseas in F.Y.15 and the government wants a significant proportion of this to be manufactured in India.</p> <p>Offset Policy for Defense Procurement - Offset under defense purchases are suitably focused to support the SMEs & Indian Corporate houses in the country, in upgrading their capacities, capabilities & technology.</p> <ul style="list-style-type: none"> • Understanding of off-set proposals technically. • Understanding of technical & commercial evaluation off-set offers • Fulfillment of off-set obligations in terms of direct purchases and direct foreign investments • Offset Procedure • Defence offset Obligations • Compliance with the offset obligations <p>Q & A Session</p>
<p>Session 6</p>	<ul style="list-style-type: none"> • Open House (Q/A)

DAY-3

Session 1	Drafting commercial Contracts <ul style="list-style-type: none">• Essentials of drafting an agreement• Relevant Clauses of the agreement• Structuring the agreement• Review of contract before signature• Q & A Session
Session 2	Contract administration & management <ul style="list-style-type: none">• How to determine the best form of agreement (general terms agreement, letter of intent, etc.) for a particular situation• Special Conditions of Contract(SCC)• Different types of remedies that can be used.• Different ways for resolving disputes – advantages and disadvantages.• How to determine Force Majeure provisions and Indemnity provisions.• How to write a contract's key legal provisions such as indemnities and limits of liability• How to write a contract's key commercial provisions such as pricing and delivery• How to write a contract's key technical provisions such as specifications and warranties• Identify the document that becomes a legally enforceable part of a contract.• How to ensure that Suppliers and / or contractors comply with obligations that they have to be performed under the contract• Q & A Session
Session 3	Contract termination/renewal decision <ul style="list-style-type: none">• Periodic Review of contract.• Economic evaluation of business Contracts, monitoring the price contracts.• Establish and improve work System for Continuous review and maintenance of all standard documents and evaluate existing contracts• Evaluate Supplier Performance, your requirements and the Market price and competition for Contract termination/renewal decision.• Q & A Session
Session 4	International Contract and dispute resolution mechanism <ul style="list-style-type: none">• Critical clauses that should be included in every international contract (Legal aspects of international trade)• Principles for international contract• Dispute resolution (emphasis on arbitration)• Court views on amended Arbitration Act• Q & A Session
Session 5	<ul style="list-style-type: none">• E-Contract<ul style="list-style-type: none">✓ Definition of e-contract✓ Basic elements of e-contract<ul style="list-style-type: none">○ Addressee○ Intermediary○ Originator✓ Law governing e-contract✓ E-contract and Information Technology Act, 2000 (Sec 11, 12 &13)✓ Jurisdiction in e-contract (Sec 13 of IT Act)<ul style="list-style-type: none">○ The Time of Dispatch of Electronic Contract○ The Place of Dispatch of Electronic Contract○ The Time of Receipt of Electronic Contract○ The Place of Receipt of Electronic Contract✓ Digital signature
Session 6	Case study on valid contract/LOI/MOU and Q/A Q & A Session

Registration & Program Charges

Program	Procurement (Procedures & Contracting), Tenders, Bids & Contract Management (3rd Edition)	
Timings	10:00 am to 06:00 pm	
Date: 26-28 July, 2018	Date: 22-24 August, 2018	
Venue: The Galaxy Club Brigade Gateway, 26/1 Dr. Rajkumar Rd. Malleswaram West, Bangalore – 560 055	Venue: Indian Institute of Corporate Affairs Plot no. :- P 6,7,8, Sec. 5, IMT Manesar, Distt. Gurgaon (Haryana) - Pin Code - 122 052	
Non-Residential Fee: Rs.29,500/- (Rs.25,000/- plus GST)	I. Residential Fee: Rs.35,400/- (Rs.30,000/- plus GST)	II. Non-Residential Fee: Rs.29,500/- (Rs.25,000/- plus GST)

Please note:

- 5% discount for minimum two & more than two attendees from one organisation
- 10% discount for more than three attendees from one organisation
- *Limited seats, Registration on the basis of first come, first serve!!!*

Payment Mechanisms:

A. NEFT Details:-

S. No.	Particulars	Details
1.	Name of the Beneficiary	Indian Institute of Corporate Affairs
2.	Account Number	604810210000007
3.	Type of Account	SB-10
4.	Name & Address of Bank Branch	Bank of India, Electronic Niketan, CGO Complex, Lodhi Road, New Delhi-110003
5.	Branch Code	6048
6.	MICR Code	110013052
7.	NEFT IFSC Code	BKID0006048

B. Demand Draft:

The programme fee may also be paid through a demand draft drawn in favour of "Indian Institute of Corporate Affairs" payable at New Delhi.

For more details, please contact undersigned:-

Mr. Rajesh Batra,

Head-Centre for MSME

Indian Institute of Corporate Affairs

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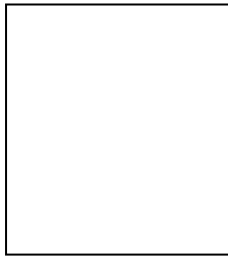
Mr. Rajesh Batra
Head-Centre for MSME
Indian Institute of Corporate Affairs
(Ministry of Corporate Affairs)

Rajesh Batra is currently responsible for several development activities through Capacity Building measures by taking serious initiatives in Entrepreneurship Education, Information, Research and Consultancy, Collaboration for Policy Facilitation, professional endeavors for institutional strengthening, Sector guidelines and advocacy to develop best practices for SMEs.

He has long experience of dealing with promotion, development and financing of Micro, Small and Medium Enterprises as well as Agriculture Rural Industries segments, SME competitiveness enhancement and institutional strengthening. Over the last 25 years, he has worked extensively in the Policy development work, Business Strategy, Project Management, Imports, Program management, Procurement & Logistics / Supply Chain Management (SCM) and Business development. He was appointed Sole Arbitrator under the Arbitration & Conciliation Act 1996 by the Chairman-cum-Managing Director of NSIC Limited for adjudication of disputes and differences between NSIC Ltd. and Private Business units. Besides, as a member of core team, he worked closely to lead / oversee the matters related with large scale implementation of Activity Plan / Programs including govt. grant monitoring and administration under the Centrally Sponsored large Schemes of Govt. of India.

Rajesh has done his masters in commerce and postgraduate management courses in the areas of Foreign Trade and Marketing. Currently, Rajesh is with Indian Institute of Corporate Affairs (IICA) as Head, Centre for MSME since 25th April 2014. He is working very closely with the industry and with different GOI offices at the Ministry level, State bodies, industry associations/chambers of commerce, entrepreneurship development institutes, SMEs, national and international supporting partners and banks/financial institutions to ensure capacity building at both ends: at the government level as well as at the industries. He gets invited to speak and chair sessions by organizations such as Ministry of MSME and its constituent institutions, Industry Associations and other leading Institutions as well as for select interaction meeting.

Before joining IICA – an autonomous institution under the Administrative Control of Ministry of Corporate Affairs, Government of India, he was working as Dy. General Manager with India's apex SME development organization – The National Small Industries Corporation Ltd. (NSIC) – The Premier Mini – Ratna Government of India Enterprise under Ministry of Micro, Small & Medium Enterprises.



Sh. Madhusudan Jena
Chief Manager (Law)
MMTC Ltd.

Education

- M.A. in Public Administration
- From Utkal University, Bhubaneswar, Orissa
- Pass out 1986.
- LL.B. specialized in Taxation,
Labour and Industrial Law
- From Utkal University, Bhubaneswar, Orissa
- Pass out 1989.
- LL.M specialized in Labour and Industrial Law
- From Andhra University, Visakhapatnam, AP
- Pass out 2012

Career Summary

- In-house lawyer of MMTC Limited for last 20 years having expertise in handling indirect tax litigation at various forums.
- In-Charge GST impact and implementation team of the company.
- Guest Lecturer in MMTC Training and Development Centre, New Delhi on indirect tax and commercial contracting.
- Advisor and mentor for law firms in indirect tax litigation.

Responsibilities:

- To monitor court cases and formulate strategy in indirect tax litigation
- Draft/Vet legal documents and contracts
- Advise on standardization of various contract and all other legal aspects of commercial transactions
- Supervise compliances of various statutory provisions
- Managing a team of lawyers and briefing on legal issues
- To review and advice on legal implications of internal policies and procedures
- To review on-going cases and suggest strategy
- To ensure all legal interests of company are adequately protected in all areas of its business operations.

Skills

- Ability in drafting contract/notices/show-cause replies
- Ability in management of indirect tax issues and conducting litigation in various forums.
- Ability to multi task
- Ability in coaching and mentoring.
- Ability in formulating strategies and concepts