



सत्यमेव जयते

राजस्थान राजपत्र
विशेषांक

साधिकार प्रकाशित

RAJASTHAN GAZETTE
Extraordinary

Published by Authority

पौष 11, शुक्रवार, शाके 1942-जनवरी 01, 2021
Pausa 11, Friday, Saka 1942-January 01, 2021

भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

FINANCE (G&T) DEPARTMENT

NOTIFICATION

Jaipur, January 01, 2021

G.S.R.237 .-In exercise of the powers conferred by section 55 of the Rajasthan Transparency in Public Procurement Act, 2012 (Act No. 21 of 2012), the State Government hereby makes the following rules further to amend the Rajasthan Transparency in Public Procurement Rules, 2013, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Transparency in Public Procurement (Amendment) Rules, 2021.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 13.- After the existing sub-rule (2) of rule 13 of the Rajasthan Transparency in Public Procurement Rules, 2013, the following new sub-rule (3), (4), (5) and explanation shall be added, namely:-

"(3) Normally the procedure of International Competitive Bidding (ICB) for Government Bids upto Rs. 200 crores shall not be allowed. In case, International Competitive Bidding is to be adopted for Government Bids below Rs. 200 crores, then prior approval of the Finance Department shall be obtained. International Competitive Bidding may be adopted in Government bids above Rs. 200 crores if the subject matter of procurement is such that in the opinion of the procuring entity, it will be in the public interest to adopt International Competitive Bidding, after recording reasons.

(4) The bidders belonging to or with beneficial ownership from countries sharing land border with India, for participation in any public procurement in the State, shall only be allowed after prior registration with the Industries Department of the Government of Rajasthan.

(5) Notwithstanding anything contained in sub-rule (2) and (3) above, as the case may be, the State Government 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, to protect the essential security and strategic interest of India as specified in clause (d) of sub-section (4) of section 6, no procurement shall be made in violation of such restrictions.

Explanation: For the purpose of this rule,-

- (i) "Agent" means a person employed to do any act for another, or to represent another in dealings with third persons;
- (ii) "Beneficial owner" means,-
 - (a) In case of a company or Limited Liability Partnership, the "beneficial owner" is the natural person or persons who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other person;
 - (b) "Controlling ownership interest" is the ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
 - (c) "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;
 - (d) In case of a partnership firm, the "beneficial owner" is the natural person or persons who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 - (e) In case of an unincorporated association or body of individuals, the "beneficial owner" is the natural person or persons, 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;
 - (f) Where no natural person is identified under sub-clause (a), (b), (c), (d) or (e) above, the "beneficial owner" is the relevant natural person who holds the position of senior managing official;
 - (g) In case of a trust, the identification of beneficial owner or owners 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;
- (iii) "Bidder from a country which shares a land border with India" means,-

- (a) An entity incorporated, established or registered in such a country;
- (b) A subsidiary of an entity incorporated, established or registered in such a country;
- (c) An entity substantially controlled through entities incorporated, established or registered in such a country;
- (d) An entity whose beneficial owner's situated in such a country;
- (e) An Indian (or other) agent of such an entity;
- (f) A natural person who is a citizen of such a country;
- (g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above."

[No. F.2(1)/FD/G&T-SPFC/2017]

By Order of the Governor,

Vimal Kumar Gupta,

Joint Secretary to the Government.

Government Central Press, Jaipur.