



**THREE-DAY CERTIFICATE COURSE**  
**ON**  
**“PUBLIC PROCUREMENT, TENDERING AND LAW**  
**RELATING TO GOVERNMENT CONTRACTS”**



ORGANISED BY

**NATIONAL LAW SCHOOL OF INDIA UNIVERSITY,  
CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND  
ADVOCACY [CEERA], BENGALURU**

IN COLLABORATION WITH  
**THE NATIONAL PRODUCTIVITY COUNCIL**  
**NEW DELHI**

AT

**Venue:** NLSIU Campus, Nagarbhavi, Bengaluru

ON

**Date:** September 12 to 14, 2019



## NLSIU-CEERA-NPC

### THREE-DAY CERTIFICATE COURSE

ON

### “PUBLIC PROCUREMENT, TENDERING AND LAW RELATING TO GOVERNMENT CONTRACTS”

#### *About the Course*

Contract being agreements enforceable by law, offers personal rights, and imposes personal obligations, which the law protects and enforces against the parties to the agreement. A contract to which The Central Government or a State Government, or its affiliate is a party is camouflaged under the covers of being a 'Government Contract'.

In law in India, with the Indian Contract Act 1872 in the background, does not prescribe any special procedure for execution of contracts. However, the position of law relating to execution of Government Contracts is well-defined in accordance with Article 299 of the Constitution of India. However, it does not necessarily imply that the provisions of the Indian Contract Act have been superseded completely; yet the formalities as imposed by Article 299 and the strict compliance of the same have been regarded by some as being extremely inconvenient and restrictive to government operations in practice, due to the procedural requirements. Consequently, the Courts have in the manner of delivering judgements mitigated the rigours of the formalities contained in Article 299(1), and have enforced contracts upon substantial compliance, and not strict compliance with the requirements of Article 299(1) of the Constitution of India.





aggrieved party for the damages suffered. Therefore, it is indispensable for the State to act in fairness even in contracts with private parties, where there is an involvement of administrative machinery.

The Government, post liberalisation and globalisation, has ventured into practices that were hitherto unexplored such as Public-Private Partnerships. The Increase in private partaking with the governments in areas such as oil fields exploration contracts, defence equipment manufacturing, infrastructure and other key fields has thrown open several challenges, procedural and substantial, over time. Few other areas that have witnessed key issues in procurement issues and contractual irregularities, furthering them into long legal battles have been those of Highways, Power Sector, Airports, Defence Procurements and Manufacturing, Oil and Gas et. Cetera. Further, the recent window for private participation in manufacturing units is in the Nuclear Energy sector, wherein few private players are engaged in the supply of minor-key components in the setting-up of civil nuclear facilities in the country. Tendering and bidding procedures are held in each case and since the opening of the tenders, the procurement process starts for all government contracts. This course also aims chiefly to work on the better understanding of the participants in the respective manner.

Taking into account the increasing participation of private players in such areas and multiple Government contracts being executed, it becomes essential to understand the processes, legal perspectives and challenges faced by multiple stakeholders while entering into and in the execution of such contacts.

**The Three Day Professional Certificate Course on ‘Public Procurement, Tendering And Law Relating To Government Contracts’** will analyse the law, policy, issues and framework relating to government contracts from a legal, constitutional, industry and compliance perspective, thereby providing a broader outlook that aids and articulates contractual decision making. The objective of the programme is to introduce and facilitate the understanding of the subject by means of Case Studies which will enable the better understanding of technical know-how and catering to the specialised needs of the participants

from the government sectors, to delve into the law, policy and practice on Government Contracts, in general, and more specifically the process of public procurement and tenders.

***The Course will involve presentations, discussion and training on the following themes:***

1. Introduction to Contract Law and Government Contracts
  - Contracting with the Government in India: Law, Policy and Practice
  - Essential Features of a Government Contract: Law on Tendering; Due Diligence Practice in Calling for Tenders. Legislations like KTPP Act
  - Rights & Responsibilities of Government vis-à-vis Contractual Liability of the State: Constitutional and Legal Perspective
2. Negotiation Process of Government Contracts: Swiss-Challenge Method, CVC and CAG Guidelines
  - RFQ, Tender
  - L1. Consortium bid. Negotiation with L1.
  - Blacklisting
3. Drafting of Government Contracts:
  - Challenges to Drafting of Contracts: Letter of Intent vis-à-vis Memorandum of Understanding
  - Purchase/work order
  - Agreements
  - Drafting of Critical Clauses to Government Contracts and their Interpretation.
  - Inco Terms
4. Enforcement of Government Contracts:
  - Different Modes of Enforcement of Contractual Performances
  - Issues concerned with Enforcement Mechanism of Clauses pertaining to Earnest Money Deposits, Liquidated Damages, and Bank Guarantees.
  - Amendment, Modification and Re-negotiation of Contracts
5. Public Private Partnership Contracts in India
  - PPP Models
  - Case-Studies of Successful Models of PPP in India





### *Course Co-ordinators, setting Foot-Prints:*

**DR. AMITA PRASAD, IAS**

*Additional Secretary (GoI)*

*Director General, National Productivity Council,  
New Delhi.*

**DR. SAIRAM BHAT**

*Professor of Law, National Law School of India University (NLSIU),  
Bengaluru;*

*Coordinator, Centre for Environmental Law Education, Research and  
Advocacy (CEERA), NLSIU, Bengaluru*

### ***About NLSIU***

The National Law School of India University, the Nation's premier law university, came into existence through a Notification under the National Law School of India University Act (Karnataka Act 22 of 1986). It signified the culmination of efforts by the Judiciary, the Bar Council of India, the Karnataka Bar Council, the Bangalore University and the Government of Karnataka to reform legal education and to establish a centre of excellence for legal education and research in India.

The Law School has undertaken many research projects funded by the UGC, the Government of India, the Government of Karnataka, the Department of Women and Child Development, UN agencies, the World Bank, HIVOS, Department of Justice etc. The Projects have served to strengthen research and teaching at the Law School. The National Law School of India University since its inception has taken proactive steps in organizing conferences, seminars, workshops, refresher courses and certificate courses to update academicians, law teachers, students, industry personnel in different subject areas.

### ***About CEERA***

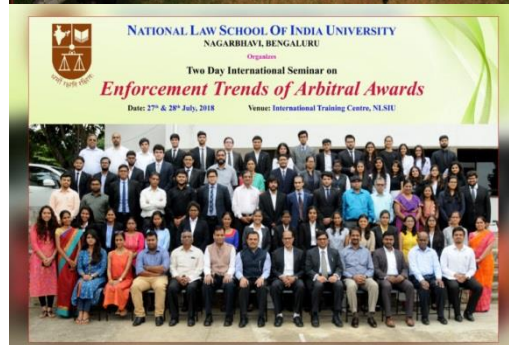
Centre for Environmental Law Education, Research and Advocacy (CEERA), established in 1997 is a benefactor of the Ministry of Environment and Forest (MoEF), Government of Karnataka, the Bar and the Bench in India and several Institutions and Universities in India and abroad.

Building an environmental law database, effectively networking among all stakeholders, building up an environmental law community and policy research in the area of environment are CEERA's main objectives.

To achieve the aforesaid, CEERA has incessantly and successfully been able to build functional and professional linkages, CEERA attempts to build functional and professional linkages with government agencies and non-governmental organisations in India, the South Asian Region and at International levels. Apart from handling and furthering India's environmental conservation work involving policy analysis, campaigning, community capacity building and strategic level intervention on critical environmental issues, CEERA serves as a rich resource centre for environmental law teaching and research for both the bachelors and masters courses at NLSIU.

The Centre, established in the early 1990s, has consistently been associated with some of the pioneering research work in all of educational institutions in the country. One of the first to successfully be granted a World Bank project and thereafter being a steady choice for the Ministry of Environment Forest and Climate Change, CEERA has been entrusted with some of the most fundamental training of important Forest Officers, Revenue Officers, Officers of the Central Pollution Control Board and also of the Government of Karnataka, the Centre has been approached steadily for carrying out effective research and conduct effective training programmes. CEERA is proud to have been consistently associated with and has become a preferred resource centre for carrying out research and training programmes in the most effective and constructive manner. CEERA also organises, annually, a UGC recognized, One-week Law Teacher's Refresher Course for the past few years.

CEERA has also made several publications in the area of environmental law, the law and public policy along with Newsletters, CEERA March of the Environmental Law, NLSIU's



Looking back only to leap forward: A memoir of few initiatives of CEERA dealing with Law of Contracts

first e-Journal – Journal on Environmental Law, Policy and Development and manages two websites viz., [www.nlsenlaw.org](http://www.nlsenlaw.org), wherein the law and policy on Environment is regularly updated, and [www.Nlsabs.com](http://www.Nlsabs.com), a dedicated portal wherein the law and policy on Access to Benefit Sharing is updated periodically.

***Who May Attend the Course?***

- ❖ Government Officers, Officers of Public Sector Undertakings
- ❖ Lawyers, Academicians, consultants
- ❖ Representatives from Companies and other Institutions
- ❖ Representatives of Governing and Regulatory Bodies
- ❖ Industry Professionals, including Contract Managers

***Course Fees (per participant)***

<b><i>NON-RESIDENTIAL</i></b>	<b><i>RESIDENTIAL (TWIN-SHARING OCCUPANCY) (SUBJECT TO AVAILABILITY)</i></b>	<b><i>RESIDENTIAL (SINGLE OCCUPANCY) (SUBJECT TO AVAILABILITY)</i></b>
INR 20,000/- + GST@ 18%	INR 30,000/- + GST@ 18%	Rs. 35,000/- + GST@ 18%

Course Fees may be paid by DD drawn in favour of National Law School of India University and sent along with the Registration Form attached herewith or through NEFT transfer, as per the bank details given below. Once the NEFT is done, the participant(s) must send the BANK TRANSACTION ID to [susheela@nls.ac.in](mailto:susheela@nls.ac.in)

**Last Date for Registration: 24<sup>th</sup> August 2019.**

**Registration fee covers the following:** Admission to all sessions, reading material, Tea/Coffee and lunch. Breakfast and Dinner shall be provided only to residential participants.

**Boarding/Lodging/Accommodation:**

Participants will need to make their own arrangements for boarding/lodging.

Residential Participants will be provided accommodation on campus, on first come first serve basis. The rooms at the NLSIU Training Centre are Air conditioned with TV and other



facilities, including a gym. The Residential costs shall include the provision of Breakfast and Dinner for the duration of the course.

Further, Participants are requested to plan their itinerary to arrive at the Venue not prior to 5:00 P.M. on 11<sup>th</sup> September, 2019 and depart latest by 12:00 P.M. on 15<sup>th</sup> September, 2019.

***Code of Conduct expected from the participants***

NLSIU does not permit smoking or consumption of liquor on campus. Attendance to all the sessions is mandatory for issue of certificate.

Participants, seeking accommodation at Venue are requested to refrain from accompanying with their spouse at the Venue. The Organisers notify that any request for accommodation for Non-Participants will not be entertained.

Any request for sightseeing/local shopping will not be encouraged.

Reading material shall be sent only in softcopy format.

Presentation made by the speakers may be shared only if the speakers agree for the same.

***For Further Details, Please Contact***

**Ms. Susheela Suresh,**  
Secretary, CEERA, NLSIU  
Email: [susheela@nls.ac.in](mailto:susheela@nls.ac.in)

**Sd/-**  
**PROF. [DR.] SAIRAM BHAT**  
Coordinator, CEERA  
Professor of Law, NLSIU

**THREE-DAY CERTIFICATE COURSE ON  
“PUBLIC PROCUREMENT, TENDERING AND LAW RELATING TO  
GOVERNMENT CONTRACTS”  
REGISTRATION FORM  
PART-A: DETAILS OF PARTICIPANT**

<b>Full Name: Dr./Mr./Ms./ Mrs.:</b> (Kindly tick the Appropriate Title)	
<b>Company/ Organization/School/College</b>	
<b>Designation:</b>	
<b>Office Address:</b>	
<b>Email:</b>	
<b>Contact No.:</b>	
<b>a) Mobile:</b>	
<b>b) Work:</b>	
<b>Payment details</b>	<b>DD No. and Date:</b>  <b>NEFT Transaction ID and Date:</b>
<b>Boarding/Lodging Facility (Single/Twin-Sharing)</b>	

**PART-B: PAYMENT OF REGISTRATION FEE DETAILS**

NEFT Transaction ID:

NEFT Transaction Date:

Amount:

Kindly send a **scanned copy** of the Registration Form and NEFT Transaction ID to  
**Ms. Susheela** at **email id:** [susheela@nls.ac.in](mailto:susheela@nls.ac.in).

The **original document** of the Registration Form shall be sent via courier/post to:

Ms. Susheela

CEERA, NLSIU

PO Bag 7201, National Law School of India University,  
Nagarbhavi, Bengaluru 560 072

**ELECTRONIC CLEARING SERVICE (CREDIT CLEARING) / REAL TIME GROSS  
SETTLEMENT (RTGS) FACILITY FOR RECEIVING PAYMENTS**

**DETAILS OF ACCOUNT HOLDER:**

<b>NAME OF ACCOUNT HOLDER</b>	<b>DIRECTOR NLSIU SCHEMES AND PROJECTS</b>
<b>COMPLETE CONTACT ADDRESS</b>	<b>NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, P.B.NO.7201, NAGARBHAVI, BANGALORE - 560 072</b>
<b>TELEPHONE NUMBER/FAX/MAIL</b>	<b>23213160, 23160532, 23160533 / Fax 23160534 / registrar@nls.ac.in</b>
<b>PAN</b>	<b>AAAJN0185F</b>

**BANK ACCOUNT DETAILS: -**

<b>BANK NAME</b>	<b>CORPORATION BANK</b>
<b>BRANCH NAME WITH COMPLETE ADDRESS, TELEPHONE NUMBER AND EMAIL</b>	<b>NLSIU BRANCH, NLSIU CAMPUS, NAGARBHAVI, BANGALORE - 560 072, Ph.: 080- 23218130 &amp; 23218115 EMAIL - cb2144@corpbank.co.in</b>
<b>IFSC CODE / NEFT CODE / RTGS CODE / BRANCH CODE</b>	<b>CORP0002144</b>
<b>TYPE OF BANK ACCOUNT (SB/CURRENT/CASH CREDIT)</b>	<b>SAVINGS BANK</b>
<b>COMPLETE BANK ACCOUNT NUMBER (LATEST)</b>	<b>520101045115075</b>
<b>MICR CODE OF BANK</b>	<b>560017060</b>