

# GLOBAL PROCUREMENT SUMMIT 2023



## PROCUREMENT FOR INFRASTRUCTURE DEVELOPMENT

17-18 January, 2023  
The Lalit Hotel, New Delhi

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# Certificate Programme in **Contractual Dispute Resolution**

With Technical Support from The World Bank

## About the Programme

The Certificate in Contractual Dispute Resolution, a blended learning programme is designed to prepare participants with the foundational knowledge and skills to understand and effectively manage contractual agreements. The course assists in developing the skills to identify and avoid the basic problems / issues which may lead to the dispute in the contract and provides the skills to resolve disputes, if arise, through various methods. With a focus on both theory and practice, the curriculum explores a range of topics, including the legal framework of contract management, dispute resolution and best practices. The programme will be pursued in such a manner as to encourage the managerial perspective of contract management and dispute resolution process.

## Key Features

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- Focused Course Structure to address specialised needs
- Blended Learning Environment
- Benefit from strong AIMA industry connect and networking

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Working experience of 2-3 years is desirable

## Fee Structure

INR 25000 plus GST as applicable.

AIMA GSTIN ID Number: 07AAATA1644A1ZH

PAN no. of AIMA: AAATA 1644 A

For further details contact - Programme Manager  
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# **GLOBAL PROCUREMENT SUMMIT 2023**

**PROCUREMENT FOR INFRASTRUCTURE DEVELOPMENT**

17-18 January, 2023  
The Lalit Hotel, New Delhi

**SOUVENIR**

**ALL INDIA MANAGEMENT ASSOCIATION**

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# Global Procurement Summit 2023

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# **About AIMA**



## About AIMA

The All India Management Association (AIMA) is the apex body for management in India with over 38000 members and close to 6000 corporate /institutional members through 66 Local Management Associations affiliated to it. AIMA was formed over 60 years ago and is a non-lobbying, not for profit organisation, working closely with industry, Government, academia and students, to further the cause of the management profession in India.

AIMA makes a salutary contribution to management learning and practice in the country by offering various services in the areas of testing, distance education, skill development & training, events & conferences, research, publications, executive education and management development programmes.

The association is represented on a number of policy making bodies of the Government of India and national associations including All India Council for Technical Education (AICTE), which is the apex regulatory body for professional education in the country under the Ministry of Human Resource Development; National Board of Accreditation (NBA); Association of Indian Management Schools, Hyderabad; National Productivity Council, New Delhi.

AIMA also brings to the Indian managers, the best management practices and techniques through numerous foreign collaborations with professional bodies and institutions. AIMA is an important and long-time member of the Asian Association of Management Organisations (AAMO), which promotes professional management in the Asia Pacific region. India (AIMA) took over the Presidency of AAMO in 2019 and will hold the AAMO Secretariat for the next three years. In addition, AIMA has developed close associations with several leading international Universities and Institutions including Imperial College, University of Berkeley, California, St Gallen Symposium, Horasis, The World Bank etc, to name a few.





**MESSAGE**





**Anna Wielogorska**

*Procurement Manager (South Asia Region)  
World Bank*

It is my pleasure to see the eighth edition of Global Procurement Summit, which has been supported by the World Bank from its' inception and has now become the flagship public procurement event for India. These last 8 years have also witnessed a significant transformation in the public procurement function both in terms of its importance and impact. Increasingly governments are now recognizing procurement as a strategic function, which not only contributes to fiscal savings but also seeks to improve the quality of services delivered to its citizens. This has been well-demonstrated by the role played by procurement during the COVID-19 pandemic when supply chains were disrupted across the world.

As the world recovers from the economic impact of COVID-19, governments have shifted their attention to the creation of an enabling environment to attract investments and create jobs. India, which is our largest client, has set ambitious targets in this direction. In order to be able to achieve these targets procurement professionals need support not only during the contracting phase but also during contract implementation and management to ensure that time and cost overruns are minimised. The theme selected for the current summit "Procurement for Infrastructure Development" is very timely and highly relevant.

I am pleased to note that there are sessions devoted to the most critical topics of the day, such as: modernization and professionalization of public procurement, private participation in infrastructure development, contractual dispute resolution, use of technology in public procurement and making the supply chain more resilient. I am sure that the eminent faculty members participating in this summit will share latest developments and the Summit will result in concrete recommendations for the government and other stakeholders. I look forward to active participation from the learned audience in all these sessions.

The recently completed country procurement assessment, which is to be discussed at this Summit, can also be a helpful reference for prioritizing reforms at federal and state levels. It is heartening to note that Government of India has recently announced many major procurement reforms and some states have also followed suit. Renewed thrust to digitisation of public procurement in India is also an important development and will lead to streamlining the procurement process and reducing the burden on bidders. The World Bank is willing to provide support for furthering these and other reforms.

We value the support of various multilateral and bilateral partners as well as premier institutions like AIMA to sustain such initiatives and we are privileged to partner with Government of India and state governments in furthering the knowledge agenda. I am informed that the Procurement Policy Division (PPD) has been actively involved in these and various capacity building events.

I am sorry I cannot attend in person this year, but I am sure my colleagues who are present with you will ably represent the World Bank.

I wish all success to the Summit and am convinced we will all benefit from the varied sessions.



### **Rekha Sethi**

*Director General*

*All India Management Association*

Procurement management in infrastructure development is gaining considerable attention around the world, as the developed countries are striving to renew their infrastructure and the developing countries are trying to expand infrastructure to support greater economic growth. Given the limits on national resources, the efficiency of procurement is central to the pace and extent of infrastructure creation and renewal. It is only appropriate that AIMA's 8th Global Procurement Summit (GPS) is putting a special focus on procurement in infrastructure development.

Procurement in the infrastructure sector is both complicated and complex, as it involves political, social, and environmental considerations as well as the economic ones. Also, the time horizon for all considerations has to extend to the unforeseeable future. Therefore, safeguarding the public interest and investment effectiveness are fundamental mandates for the government as well as the private players .

This summit is a platform for the key stakeholders in public procurement and the infrastructure sector to consider the various opportunities and challenges and discuss the way forward to build robust, responsible, and viable infrastructure projects. The summit aims to help the stakeholders formulate effective procurement strategies for infrastructure projects.

AIMA is grateful to the Department of Expenditure, Ministry of Finance and The World Bank for their support and contribution in designing and staging this year's Global Procurement Summit.

I welcome all speakers and delegates to the GPS. This summit is a great opportunity for all participants to learn from experts and peers and also build and renew their networks. I am confident that everybody will enjoy the summit.





## **Dr Raj Agrawal**

*Director*

*Centre for Management Education*

*All India Management Association*

“Infrastructure development is all about building assets for the country”.

Business relies on infrastructure for being competitive, while society looks for good infrastructure to have access to equal opportunities for all citizens. Implementation of infrastructure project is a mammoth task, since there must be a balance created between risk allocation and value for money. Though the development of public procurement competencies can help to deliver sustainable, innovative and quality infrastructure investments, however, the risks involved in these projects are often more complex.

Therefore, safeguarding the public interest and investment effectiveness remains as central mandate to government for economic and social development.

Effective delivery of infrastructure projects, through stream lined public procurement operations ensures sound allocation of public good and services.

Given ,the AIMA's commitment to strengthen the country's procurement capabilities, we would like to explore various Strategies and reform measures to address the challenges of Procurement for Infrastructure Development by hearing thought provoking views of experts in various plenary sessions of Global Procurement Summit 2023. And I sincerely hope that these food for thoughts will definitely help government and agencies to develop an effective Procurement policies which lay the foundation of a great country to live for everyone.

AIMA will always be eternally grateful to Department of Expenditure, Ministry of Finance and The World Bank in supporting the event. AIMA is also thankful to Asian Development Bank, L&T Constructions, Government E Marketplace, GAIL India Ltd., Deloitte and National Buildings Construction Corporation for being a part of the Global Procurement Summit.

I wish you all the best and look forward to fruitful discussion and recommendation.





# **Background Note**



# Global Procurement Summit 2023

## PROCUREMENT FOR INFRASTRUCTURE DEVELOPMENT

As India aims for becoming a \$5 trillion economy, the government's strategic initiatives to encourage the infrastructure sector as boost to collective growth of the Indian economy becomes critical. Several countries in the past have tried infrastructure development to assist the allied industries in getting the necessary momentum to achieve economic growth in these difficult times. These industries play a pivotal role in enhancing the employment generation and uplifting of the small and medium businesses as well. With procurement amounting to up to 90% of the cost of infrastructure projects, the importance of improving efficiency and economy during the procurement and contract implementation cannot be overemphasized.

Infrastructure, the engine of economic growth, also poses challenges that are not found in other areas of Public Procurement. These challenges become more complex because of high magnitude of spending involved and importance of timely completion of the Projects. Realizing these challenges, All India Management Association, an apex body of management profession in India, join hands with Ministry of Finance, the Government of India and the World Bank and other international and national partners to examine the opportunities and challenges faced in Procurement activities for infrastructure development.

Coming together with the most senior and regional procurement communities, the key objectives of Global Procurement Summit 2023 are-

- To explore how procurement can contribute towards infrastructure development
- To explore how it can contribute with application of technology
- How Procurements modernization is important for infrastructure development
- How the capital and efficiency of private sector could be leveraged for infrastructure development

Organized on 17-18 January, 2023 at New Delhi, India, GPS 2023 would bring in experts in the area of procurement from and around the world to deliberate and share their thoughts to accentuate the session themes as

- Reducing Delays in Infrastructure
- Private Participation for Infrastructure development (PPP)
- Resilient Supply Chains for Infrastructure Development
- Recent efforts for Reforming Public Procurement
- Application of Technology in Procurement

During the sessions, the above-mentioned themes will be deliberated by important stakeholders to understand public, private and international perspective. Recommendations coming out of the session discussion will act as steppingstone for policy makers and private players in the market to reform and improvise their policies and guidelines.

After the Inaugural session, the event will start with session on "Reducing Delays in Infrastructure". There are potentially a number of unforeseen and non-controllable issues in long term infrastructure public procurement projects. This session will provide opportunity to hear about the challenges faced in execution

and implementation of contracts by National Highway Authority of India, some of the best practices followed and steps taken to avoid and manage contractual disputes by eminent Contractors like Tata Projects etc.

While exploring various avenues, Public-Private Partnership have been seen as important form of implementation specially for infrastructure projects. PPPs as a broad concept are an option to procure and/or manage infrastructure (including systems, facilities, equipment and plants) and related services. We would hear about various Policy initiatives taken by DEA for encouraging private participation and understand the global trends and scenario existing in PPP infrastructure projects from the speakers of 2nd session on “Private Participation for Infrastructure Development”.

This session is followed by the session on “Resilient Supply chain for Infrastructure Development”, where big contractors like L&T Construction would share their experiences of how to insulate supply chains from impact of pandemic and global conflicts. There will also be deliberations about Impact of make in India Policy in building local manufacturing capacities and Smart Supply Chain as a way ahead.

Modernization of public procurement is necessary to boost the infrastructure development. In the subsequent session, representative from Ministry of Finance will share various initiatives taken by Government of India in this direction. This would be covered under session 4 on “Recent Efforts for Reforming Public Procurement”. This session will also talk about the findings of Country Procurement Assessment conducted recently and international reforms happening worldwide.

The program would also debate about the “Application of Technology in Procurement”, in session 5. The eminent speakers from Government e-Marketplace will share how technology is helping in achieving value for money for Government. Also, we will have international experience sharing by World Bank team about how technology application has shown great results. During the session thoughts will be shared about how technology is used for convenience and how sometimes technology leads to disruptions. The session will end with some case studies about Procurement Data Analytics as well as use of Block Chain.

With the above thought-provoking sessions, GPS 2023 attempts to bring in international and national experts and is expected to be attended by 300 participants during the event. Initiating a serious engagement between policy makers, practitioners from public and private sector as well as international development organizations, the Summit will contribute as the annual think tank and another step towards the professionalization of public procurement function.



# **AGENDA**







# Global Procurement Summit 2023

Procurement for Infrastructure Development

17-18 January 2023 | The Lalit Hotel, New Delhi

## SUMMIT AGENDA

### DAY 1 – Monday, 7 March 2023

09.00-10.00 Hrs.

**Registration**  
Participants

#### **Inaugural Session**

10.00-10.05 hrs.

Welcome  
**Ms Rekha Sethi**  
Director General  
All India Management Association

10:05 – 10:10hrs

Introduction to Summit  
**Mr Shrinivas Dempo**  
President, All India Management Association  
Chairman, Dempo Group of Companies

10:10 – 10:20 hrs.

Special Address  
**Mr Auguste Tano Kouamé**  
Country Director  
World Bank

10.20 -10.30 hrs.

Special Address  
**Mr Takeo Konishi**  
Country Director  
Asian Development Bank

10.30-11.00 hrs.

Inaugural Address  
**Mr Jayant Sinha**  
Chairperson of the Standing Committee on Finance  
Parliament of India BJP Lok Sabha Member of  
Parliament from Hazaribagh  
Jharkhand

## Release of Souvenir

11.00-11.05 hrs.

Vote of Thanks

**Dr Raj Agrawal**

Director

Centre for Management Education

All India Management Association

**11.05-11.30 hrs.**

**Tea/Coffee Break**

## Plenary session 1:

## Reducing Delays in Infrastructure

11.30-11.45 hrs.

**Mr Ravindra Kumar Jain**

Managing Director

Dedicated Freight Corridor Corporation of India Ltd.

11.45-12.00 hrs.

**Mr K Venkata Ramana**

Executive Vice President & Head Legal

Tata Projects Limited

12.00-12.15hrs

**Mr Amarendra Kumar**

Chief General Manager

National Highways Authority of India

12.15-12.30 hrs.

**Mr Ravindra Dwivedi**

Head Project Program Management

Mott MacDonald

12.30-12.45hrs

**Ms Shweta Bidhuri**

Head (South Asia)

Singapore International Arbitration Centre

12.45-13.15 hrs.

Q&A

**13.15-14.00 hrs.**

**Lunch Break**

## Plenary session 2:

## Private Participation for Infrastructure Development

14:00-14:15 hrs

**Mr Baldeo Purushartha**

Joint Secretary (IPF), Department of Economic Affairs

Ministry of Finance

14.15-14.30 hrs.

**Mr Vikash Chandra**

Director

Deloitte

14.30-14.45 hrs.

**Mr Palash Srivastava**

Deputy CEO

IIFCL Projects

14.45-15.00 hrs.

**Mr Pankaj Sinha**

Senior Investment Officer

International Finance Corporation

World Bank Group

15.00-15.30 hrs.

Q&A

**15.30-16.00 hrs.**

**Tea/Coffee Break**

**Plenary session 3:**

16.00-16.15 hrs.

**Resilient Supply Chains for Infrastructure Development**
**Mr Rajesh Gupta**

Deputy Director General  
Department for Promotion of Industry and Internal Trade  
Ministry of Commerce & Industry

16.15-16.30 hrs.

**Mr R Ganesan**

Head Corporate Centre  
Larsen & Toubro Construction

16.30-16.45 hrs

**Mr B Anantha Sarma**

Executive Director-Contracts  
POWERGRID

16.45 -17.00hrs

**Mr Saurabh Bhattacharya**

Addl. Executive Director  
Centre for Smart Governance  
Government of Karnataka

17.00-17.30 hrs.

Q&amp;A

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**17.30-18.00 hrs.**
**Closure of Day 1 followed by Tea Break**


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**Day 2: January 18, 2023**

10.55-11.00

Welcome Day 2

**Plenary session 4:**
**Recent efforts for reforming Public Procurement**

11.00-11.20 hrs.

**Mr Shanker Lal**

Lead Procurement Specialist  
Global Governance Practice  
World Bank

11.20-11.40 hrs.

**Mr Sanjay Aggarwal**

Advisor (Procurement Policy)  
Department of Expenditure Ministry of Finance

11.40-12.00 hrs.

**Mr Stephane Y. Bessadi**

Senior Procurement Specialist  
Asian Development Bank

12.00-12.30 hrs.

Q&amp;A

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**12.30-13.30 hrs.**
**Lunch Break**


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**Plenary session 5:**
**Application of Technology in Procurement**

13:30-13:45hrs

**Mr Sandeep Verma**

IAS, Additional Chief Secretary  
Department of Science & Technology  
Government of Rajasthan

13.45-14:00 hrs.

**Mr Prakash Mirani**

Additional CEO  
Government e Marketplace

14.00-14.15 hrs.

**Mr Gaurav Godhwani**

Co-founder & Director  
Civic Data Labs

	<b>Mr Kabeer Arora</b> Program Lead, OCP Civic Data Labs
14.15-14.30 hrs.	<b>Mr Hunt La Cascia</b> Senior Procurement Specialist World Bank
14.30-15.00 hrs.	Q&A
<hr/>	
<b>15.00-15.30 hrs.</b>	<b>Valedictory Session Followed by Tea Break</b>
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**ARTICLE**



# Harking Up The Wrong (L1) Tree:

## *How Not To Get Procurement Reform All Wrong and Big Time Too*

Sandeep Verma<sup>1</sup>

Director General, HCM Rajasthan State Institute of Public Administration  
Jaipur, Rajasthan, India.

### I. Introduction

Around the middle of this year, Consulting Engineers Association of India (CEAI) made some noise about moving away from the traditional L1 System of awarding governments tenders for acquiring works and goods in India, ostensibly on the grounds, inter alia, that: (1) the L1 system results in poor quality of work and procured goods; (2) the L1 system is plagued with delays and cost overruns, ultimately leading to time-consuming arbitration and higher costs; (3) a change from the L1 system was required to prevent foreign firms from bidding too low with a view to prevent Indian firms from competing; and (4) a switchover would facilitate better management and execution of projects and ensure quality standards.<sup>2</sup>

The CEAI's advocacy is interesting, since a visit to their website<sup>3</sup> by this author did not yield any analytical study whatsoever, particularly in an Indian context, on the relative advantages and disadvantages of various methods of bid comparison—leading one to conclude that their arguments are more likely anecdotal without really being evidence-based. Be that as it may, on a closer scrutiny as attempted later in this paper, it appears that each one of these “reasons” advocated by the CEAI against continuance of the L1 system are, at best, grossly defective, and at their worst, irresponsibly misleading. At their ugliest, these efforts may well be yet another attempt to scuttle Government of India's ambitious “Atmanirbhar Bharat” initiatives that are being so successfully led by its dynamic and visionary Prime Minister<sup>4</sup>. Readers may recall that there were at least two near-successful attempts of a similar nature—making life difficult for Indian bidders in India's own public procurement marketplaces—around 2011,<sup>5</sup> but both these attempts got the treatment they deserved by the Central Government in 2015 as stated elsewhere in this paper.

What is perhaps equally intriguing is how easily some opinion-makers seem to have lapped up CEAI's anecdotal arguments, so much so that the latter even managed to organise them into a “Goodbye L1” event, sloshing it with some armchair “experts” faithfully restating CEAI's (defective! misleading?) suggestions.<sup>6</sup> What is sadly amiss in this debate is that these CEAI arguments against the traditional L1 system are perhaps also a logical (if

1 © 2020, Sandeep Verma. This occasional paper has been authored by Sandeep Verma while working as Director General, HCM RIPA; and has been especially written as background reading material for a session on public procurement reforms during in-service training of mid-career senior civil servants at HCM RIPA, Jaipur and at LBSNAA, Mussoorie. AIMA has been granted permission by the Author for reproduction of this paper for the GPS 2023 Conference. Sandeep Verma holds an L.L.M. with highest honours, having specialised in Government Procurement Law from The George Washington University Law School, Washington D.C. Views expressed herein are purely academic, and do not reflect the official position or policy of the Government of India or the Government of Rajasthan, or any of their respective Ministries, Departments or Agencies.

2 *Consulting engineers body urges govt to revisit conventional L1 tendering system*, Outlook (14 July 2020), available online <https://www.outlookindia.com/newscroll/consulting-engineers-body-urges-govt-to-revisit-conventional-l1-tendering-system/1895090>.

3 <https://www.ceai.org.in>.

4 *Make in India 2.0: Here's why the time is ripe for PM Narendra Modi's flagship project*, Financial Express (11 February 2020), available online <https://www.financialexpress.com/opinion/tender-moments-time-is-ripe-for-make-in-india-2-0/1863539/>.

5 *Law Commission of India, Report No. 258*, available online <https://lawcommissionofindia.nic.in/reports/Report258.pdf>. See, also, Verma, S. (2014), *Fixing the Foreign Bribery Bill*, SSRN, available online <https://ssrn.com/abstract=2498457>; and *Why Procurement Reform in India States is tricky*, Business Standard (08 February 2014), available online [https://www.business-standard.com/article/opinion/sandeep-verma-why-procurement-reform-in-indian-states-is-tricky-114020800886\\_1.html](https://www.business-standard.com/article/opinion/sandeep-verma-why-procurement-reform-in-indian-states-is-tricky-114020800886_1.html).

6 *Finding a cure for L1-it is if India is to progress*, Financial Express (11 March 2020), available online <https://www.financialexpress.com/opinion/finding-a-cure-for-l-1-it-is-critical-if-india-is-to-progress/1894270/>.

also unfortunate) extension of efforts undertaken a couple of years back by some international players, more specifically with the Government of Maharashtra, by somehow seducing some state governments in India to shift to “value procurement practices” along “international” lines, so that foreign bidders could access more of India’s public procurement marketplace<sup>7</sup> (sans any reciprocity from their respective national governments) through the more subjective (and more prone to integrity abuses) “Quality and Cost Based Selection” (QCBS) system where the least priced technically qualified bidder does not win the contract.<sup>8</sup> So, as recently as in 2018, doing away with the L1 System had been pushed in an attempt to open up India’s public procurement markets to foreign bidders<sup>9</sup>; but somehow, as if by some magic wand waved within a short period of two years, the CEAI would now have India’s policymakers believe that moving away from L1 would now start favouring domestic players in India!!!<sup>10</sup>

## II. The L1 System Is Not About Price Only—It Is Not Just The Money, Honey!

In order that CEAI’s arguments can be properly scrutinised, it is important to first appreciate the true nature of the L1 system as practiced in India and elsewhere. The finest description of India’s L1 system, by way of similarity, is interestingly to be found in the US’s Federal Acquisition Regulations, which uses the phrase “Least Cost Technically Acceptable” (LPTA) method of bid comparison for what we call the L1 System in India.<sup>11</sup> And that is precisely what the L1 System is at its core: namely, the process of awarding a contract to the lowest bidder not irrespective of offered quality; but rather to award a public contract to the least priced bidder amongst all qualified bidders who fulfill, inter alia: (1) the minimum financial and experience criteria fixed by a procuring entity; and (2) the minimum technical specifications outlined by a procuring entity for works, supplies and services.<sup>12</sup> Thus, it is patently wrong to assume or claim that quality is not a criterion for consideration of contract awards under the L1 System; rather, it is just that in a L1 System, quality is a pass-fail criteria where non-capable bidders or technically sub-standard goods simply cannot be considered for opening of their financial bids.<sup>13</sup> It is therefore obvious that the L1 System is not “least price” only; it is more correctly “least priced but fulfilling minimum technical/ quality criteria” fixed by a buyer.

When looked at from this (more proper) perspective, it becomes obvious that poor quality in execution is a result not of the L1 System of awarding contracts, but rather a result of poor/ negligent inspection of quality once a contract has been awarded.<sup>14</sup> In fact, elementary logic/ auction theory analysis shows that irrespective of whatever bid comparison method is chosen (L1 or QCBS), negligence or poor post-award inspections and poor contract administration practices will always result in poor quality of works and supplies under what economists call *ceteris paribus* conditions. In addition to faulty inspection practices being a potent source, poor quality in public works is also the result of a combination of numerous other factors such as delayed payments to suppliers resulting in liquidity crunches (forcing contractors and public officials—under pressure

7 US experts train Maharashtra officials in “value-based public procurement”, *Business Standard* (24 April 2018), available online [https://www.business-standard.com/article/news-ians/us-experts-train-maharashtra-officials-in-value-based-public-prerement-118042400971\\_1.html](https://www.business-standard.com/article/news-ians/us-experts-train-maharashtra-officials-in-value-based-public-prerement-118042400971_1.html).

8 For further details on QCBS System, see; Rule 192 of the General Financial Rules, 2017 (GFR 2017), available online [https://www.doe.gov.in/sites/default/files/GFR2017\\_0.pdf](https://www.doe.gov.in/sites/default/files/GFR2017_0.pdf).

9 *Business Standard*, *supra* n.7.

10 *Outlook*, *supra* n.2.

11 *AcqNotes, Contracts and Legal: Lowest Price Technically Acceptable*, available online <http://acqnotes.com/acqnote/careerfields/lowest-price-technically-acceptable-lpta>.

12 For further details on L1 System, see; Rule 193 of the General Financial Rules, 2017.

13 *Ibid*.

14 See, e.g., CVC (2002), *Problem Areas of Corruption in Construction*, available online [https://cvc.gov.in/sites/default/files/Problem%20Areas%20of%20Corruption%20in%20Construction\\_1.pdf](https://cvc.gov.in/sites/default/files/Problem%20Areas%20of%20Corruption%20in%20Construction_1.pdf).



to show “results”—to cut corners on, no-prizes-for-guessing, quality again!), and mechanical imposition of stage-wise and final liquidated damages (again leading to unfair liquidity crunches, and once again to everyone cutting corners with quality)<sup>15</sup>: all of which are simply (and completely) unrelated to having to make a choice between the L1 and QCBS methods of bid comparison.

The inability of public procurement agencies to complete projects within contracted timelines is an extremely complex subject area by itself. Almost all procurement professionals realise that awarding a contract is only 10% of the problem; and the real 90% of the challenges lie in running a project well through close supervision and timely handling of project hindrances/ contractor disputes. To elaborate once more, delays and costs overruns typically arise in public contracts: (1) because of lack of adequate managerial and policy-level attention to project hindrances and not removing them swiftly or even in advance of contract award; (2) because of politically-influenced propensities to award contracts well beyond what can be financially sustained, leading to resource gaps and liquidity crunches, lack of timely payments, lack of certification of running bills and such like forcing contractors to either go slow or to “cheat” on quality or both; (3) absence of an efficient grievance redressal system for timely and fair decisions on post-award disputes leaving projects to suffer while contractor claims are religiously litigated; and (4) risk-avoidance strategies adopted by contracting officials not to negotiate reasonable outcomes, focusing instead on mechanically litigating contractor claims to death before higher (and higher) courts without any consideration on how such mechanical responses end up clogging the public justice system to the exclusion of other (more genuine) litigants.<sup>16</sup> On the last point, India’s Transport and Highways Minister was bang-on recently when he chided senior NHAI officials for their lackadaisical attitudes and for their failure to proactively progress national highways and public construction works within reasonable time frames.<sup>17</sup>

### III. How QCBS Can Be Easily Manipulated and Subverted

Reports from a number of statutory authorities on integrity abuses in awarding public contracts in India demonstrate how contracts are gamed by arbitrarily high fixation of financial/ experience related criteria—enabling only entrenched suppliers to bid and/ or cartelise amongst themselves; or through narrow fixation of technical specifications of works/ products, allowing only a chosen few and favoured ones to bid.<sup>18</sup> Quite interestingly, the QCBS System does not resolve any of these problems, rather, it adds one more highly subjective layer to the bid comparison process: namely, allowing procuring entities to arbitrarily give higher marks to “familiar” bidders. Given that courts or appellate authorities the world over are generally reluctant to second guess technical evaluation and associated procurement decisions<sup>19</sup>, all that is then required to

<sup>15</sup> See, e.g., *Public projects: Why States should go beyond “heads I win, tails you lose”*, *Financial Express* (26 May 2020), available online <https://www.financialexpress.com/opinion/public-projects-why-states-should-go-beyond-heads-i-win-tails-you-lose/1970417/>.

<sup>16</sup> *Ibid.*

<sup>17</sup> Nitin Gadkari unhappy with NHAI officials over project delays, *The Economic Times* (28 October 2020), available online <https://economictimes.indiatimes.com/industry/transportation/roadways/nitin-gadkari-unhappy-with-nhai-officials-over-project-delays/articleshow/78918160.cms?from=mdr>.

<sup>18</sup> CVC, *supra* n.2. See, also, CVC (2002), *Common irregularities/ lapses observed in stores/ purchase contracts and guidelines for improvement in the procurement system*, available online <http://sps.iitd.ac.in/PDF/CIOPP.pdf>; Malhotra, D. (2012), *Study on Government Procurement*, IITD, available online <http://sps.iitd.ac.in/PDF/SGP.pdf>; Bodhibrata, N. (2012), *Public procurement: A case study of Indian Railways*, IIMC, available online [https://mpr.ub.uni-muenchen.de/38579/1/MPRA\\_paper\\_38579.pdf](https://mpr.ub.uni-muenchen.de/38579/1/MPRA_paper_38579.pdf); Hazarika, B. and Jena, P.R. (2017), *Public Procurement in India: Assessment of Institutional Mechanism, Challenges and Reforms*, NIPFP, available online [https://www.nipfp.org.in/media/medialibrary/2017/07/WP\\_2017\\_204.pdf](https://www.nipfp.org.in/media/medialibrary/2017/07/WP_2017_204.pdf); and UNODC (2013), *India: Probity in Public Procurement*, available online <https://www.unodc.org/documents/southasia/publications/research-studies/India-PPPs.pdf>.

<sup>19</sup> See, e.g., *Supreme Court of India, Judgement dated 18 March 2020 in Civil Appeal No. 2197 of 2020*, available online [https://main.sci.gov.in/supremecourt/2018/17063/17063\\_2018\\_1\\_1506\\_21549\\_Judgement\\_18-Mar-2020.pdf](https://main.sci.gov.in/supremecourt/2018/17063/17063_2018_1_1506_21549_Judgement_18-Mar-2020.pdf). See, also, Ralston Jr., D.T., Murray Jr., F.S. and Foley & Lardener, *Government Contracts: COFC Bid Protests*, *Practical Law*, available online, <https://www.foley.com/-/media/files/insights/publications/2017/03/ralston-and-murray-analyze-cofc-bid-protests/files/article/fileattachment/cofc-bid-protests--3-march-2017.pdf>.

abuse the QCBS process is for someone influential to “convince” (pressurise?) the field committee conducting technical evaluation to somehow set the technical marking criteria or to give higher marks to favoured bidders; and such favoured bidders can then happily walk away with public contracts at artificially inflated prices. Anti-competitive practices of this nature have been highlighted both by the CVC and others from time to time<sup>20</sup>, and readers may recall serious anti-competitive concerns that arose when the NHAI switched over to an artificially narrow “2 Stage, 2 Envelope” system where financial bids were invited only from a limited number of technically qualified bidders (an RFQ followed by shortlisting followed by an RFP)<sup>21</sup>, potentially enabling cartelisation amongst entrenched large/ foreign contractors<sup>22</sup> rather than providing new firms with an entry point through aggressive bidding. Litigation by dissatisfied bidders against NHAI’s moves calmed down only once these changes were reversed under strong directions from the Ministry of Finance.<sup>23</sup> In fact, part of the enormous success that India has witnessed with aggressive bidding in electricity rates in solar tenders is attributable to the L1 System-like characteristics where price alone determined the winner amongst technically qualified bidders: an electronic reverse auction being more of an “open” auction system as compared to sealed bids, but still closely resembling a typical L1 environment.<sup>24</sup>

Another interesting detail is that the QCBS System is already allowed under the 2017 Revision to the General Financial Rules for award of consultancy and IT service contracts.<sup>25</sup> While the reasons for including IT services under QCBS are unclear, it is easy to see that in a typical consultancy project, it is “knowledge” and “wisdom” that are effectively being procured—both parameters are not easily amendable to a pass-fail requirement of a typical L1 System, and therefore sometimes need to be suitably weighted and accounted for as in a typical QCBS System.<sup>26</sup> It is not known if QCBS has been extensively employed in public IT services contracts, and whether it has made any difference at all vis-à-vis the L1 System: the front desk outsourcing of passport issuance in India has been, after all, the outcome of an L1 System using appropriately nuanced thresholds. In any case, consultancy contracts may typically account for as little as 1% of the total value of public contracts awarded<sup>27</sup>, making little overall difference if some anti-competitive practices are witnessed if a QCBS System is employed in their case.

#### IV. L1 Versus QCBS—Losing Sight Of Causal Relationships?

Given the aforesaid discussion, it is obvious that delays or cost overruns or poor quality or costly arbitration are completely unrelated to the method adopted for bid comparison under ceteris paribus conditions. It is therefore patently wrong to claim that the L1 System is to blame for poor post-award efficiency or quality in India or elsewhere; just as it would be patently wrong to say that Asia is populous because its residents are predominantly brown or yellow in their skin tones—plainly put, one fact simply does not cause the other;

<sup>20</sup> *Supra* n.18.

<sup>21</sup> Rule 164, GFR 2017.

<sup>22</sup> See, e.g., *Petitioner’s submissions to the Delhi High Court in NHBF Versus NHAI & Others*, 2008 W.P. (C) 566 of 2008, available online <https://indiankanoon.org/doc/141906338/>.

<sup>23</sup> *Finance ministry scraps bid limits on road PPPs*, *Business Standard* (29 January 2013), available online [https://www.business-standard.com/article/economy-policy/finance-ministry-scraps-bid-limits-on-road-ppps-108092501025\\_1.html](https://www.business-standard.com/article/economy-policy/finance-ministry-scraps-bid-limits-on-road-ppps-108092501025_1.html).

<sup>24</sup> See, e.g., Shrimali, G., Conda, C. and Farooquee, A.A. (2016), *Designing Renewable Energy Auctions for India: Managing risks to maximise deployment and cost-effectiveness*, *Stanford Journal of Renewable Energy*, available online <https://law.stanford.edu/wp-content/uploads/2017/03/1-s2.0-S096014811630489X-main.pdf>.

<sup>25</sup> *Supra* n.8.

<sup>26</sup> See, e.g., MeITY (2016), *Guidance Notes for Selection of Consulting Agencies*, available online [https://www.meity.gov.in/writereaddata/files/Model\\_RFP\\_Templates\\_and\\_Guidance\\_Notes\\_for\\_Consulting\\_Agencies.pdf](https://www.meity.gov.in/writereaddata/files/Model_RFP_Templates_and_Guidance_Notes_for_Consulting_Agencies.pdf).

<sup>27</sup> The 1% figure is arrived at assuming that: (i) complex works and services contracts may at best account for a maximum of 50% of total value of public contracts awarded; and (ii) that DPR preparation (consultancy) costs are generally 2% of the cost value for such complex contracts.

that they merely co-exist. So, while it is true that developing countries predominantly rely on the L1 system for awarding contracts, and it may perhaps be equally true that developing countries perform (relatively) poorly on post-award execution; but there still is no causal connection between the two facts. The QCBS System (or its advanced variants like “competitive negotiations”), on the contrary, are more likely used in advanced countries to keep foreign bidders out by constantly gaming the QCBS’s inherent subjectivity to favour domestic bidders while keeping up their pretenses of compliance with GPA requirements<sup>28</sup> —a strategy that will simply fail in India and in developing countries because larger foreign bidders are more likely to come out the winner in a QCBS environment as compared to an L1 System if it were to be adopted in developing countries blindly.

Some critics of the L1 System sometimes argue that it forces contractors to bid artificially low, to the detriment of quality once supplies are received or works are undertaken.<sup>29</sup> However, that argument again suffers from the absence of causal relationships between the argument being relied upon and the conclusion being attempted: that one assertion simply does not cause the other. Abnormally low bidding can happen in any other bid comparison scenario—it happens sometime during federal acquisition in the United States which relies upon many other complex methods of bid comparison, just as it happens in the EU as well.<sup>30</sup> The two jurisdictions typically treat abnormally bids in significantly different ways: while the US Federal Acquisition Regulation necessarily requires a “price realism” analysis, it generally refrains from rejecting a low bid from a responsible bidder based on the argument that if such a bidder wants to consciously supply goods to the USG at his loss, that’s his problem, not the USG’s, as long as supply contracts have been suitably de-risked and supplies are satisfactorily made.<sup>31</sup> On the other hand, the EU places a stronger emphasis on rejection of abnormally priced bids, but the rejection process remains subjective and difficult-to-arrive-at even for the most professional procuring officers.<sup>32</sup> At another level, it is a settled fact that where public procuring entities in India have rejected abnormally low tenders in L1 scenarios with proper justification, the courts have always shown due deference to such government decisions.<sup>33</sup>

28 As an example of trade-public procurement overlaps, and for insightful studies of US-EU disputes on issues surrounding Boeing and Airbus contracts; see: CRS (2019), *Boeing-Airbus Subsidy Dispute: Recent Developments*, available online <https://crsreports.congress.gov/product/pdf/IF/IF11364>. See, also; *Airbus Teams With Lockheed to Renew Tanker Challenge to Boeing*, Bloomberg (05 December 2018), available online <https://www.bloombergquint.com/business/airbus-teams-with-lockheed-to-renew-tanker-challenge-to-boeing>.

29 See, e.g., *supra* n.2.

30 See, e.g., Sanchez-Graells (2013), *Rejection of Abnormally Low and Non-Compliant Tenders in EU Public Procurement: A Comparative View on Selected Jurisdictions*, SSRN, available online <https://ssrn.com/abstract=2248590>.

31 See, e.g., FAR 15.404-1, available online <https://www.law.cornell.edu/cfr/text/48/15.404-1#>. To that extent, the US system is quite similar to the Government of India’s position on the subject; see, e.g., Ministry of Finance O.M. 12/17/2019-PPD dated 06 February 2020, available online <https://doe.gov.in/sites/default/files/Predatory%20pricing%20-%20Abnormally%20Low%20Bids.pdf>.

32 See, e.g., Sanchez-Graells, A. (2015), *Abnormally Low Tenders Under Reg. 69 Public Contract Regulation 2015*, *HowToCrackANut*, available online <https://www.howtocrackanut.com/blog/2015/06/abnormally-low-tenders-under-reg-69.html>. See, also, Ølykke, G.S. and Nyström, J. (2018), *Defining Abnormally Low Tenders: A Comparison between Sweden and Denmark*, available online <https://academic.oup.com/jcle/article-abstract/13/4/666/4810778>.

33 See, e.g., Guwahati High Court Judgment dated 24 November 2016, WA 17(AP)2016, *Union of India & Others Versus Millennium Synergy & Others*, available online [http://ghcitanagar.gov.in/GHCITA/new/2016/WA%20No.%2017%20\(AP\)%202016.pdf](http://ghcitanagar.gov.in/GHCITA/new/2016/WA%20No.%2017%20(AP)%202016.pdf).

In contrast to the “abnormally low bid” problem, if at all public projects in India suffer from a contract pricing problem, it is actually the reverse—in the form of “abnormally inflated bids” as brought out in repeated CVC and audit findings—typical match-fixing attitudes of public procurement officials leading to extreme cartelisation and award of contracts at very high prices.<sup>34</sup> Abnormally low bidding is a relative rarity in India compared to artificially inflated bids, and the former has been mitigated successfully in India using disincentives such as additional performance guarantees<sup>35</sup>, even though a related problem—frontloaded or unbalanced bids—has been more difficult to address.<sup>36</sup> But as stated earlier, both artificially low bids or unbalanced bids are unrelated to the L1 System, they can as well be witnessed in a QCBS System or any other method of procurement where bidders would still bid low in an effort to emerge as the “best-value” proposition.

## **V. What CEAI Arguments Really Amount To Iff (If and Only If) Analysed Properly**

With all this background, it is now possible to subject each of CEAI arguments (and then, some) advocating a shift from the L1 system and to arrive at a more truthful reflection of public contracting realities. This section takes each claim/ statement and responds as best as possible to each one of those presented arguments advocating against continuance of the L1 System of price bid comparison.

### ***Hypothesis V(a): The L1 System Results In Poor Quality***

No. Poor quality during the post award phase is typically a result of poor, inadequate or absent inspection or false sampling of site specimens; and has no relationship with the method chosen for comparison of bids.

### ***Hypothesis V(b): The L1 System Is Plagued With Delays and Cost Overruns***

No. Delays result from non-removal of hindrances prior to award of contract and managerial delays in hindrance mitigation afterwards, such as non-allocation of sites, delayed land acquisition, lack of advance planning for utility shifting, non-mitigation of third-party dependencies and so on. When these delays that are non-attributable to a contractor occur in a contract that allows price escalation for such delays, then cost overruns are also typically witnessed as a consequence. Delays and cost overruns also happen for a host of other reasons such as lack of timely redressal of genuine grievances that get litigated in courts, lack of proper documentation of hindrances by government officials, absence of adequate budgetary resources leading to informally agreed slowdowns, and so on and so forth.

### ***Hypothesis V(c): The L1 System Allows Foreign Firms To Bid Abnormally Low To The Detriment of Indian Bidders***

Unlikely. As explained earlier, abnormally low bids: (1) are a much rare event in India in comparison to abnormally high bids in public contracts; (2) have little if no relationship with the method adopted for bid comparison, and therefore can and do happen in many advanced jurisdiction with highly complex systems of

34 CAG (2011), *Audit Report on XIXth Commonwealth Games 2010*, available online [https://cag.gov.in/uploads/download\\_audit\\_report/2011/Union\\_Performance\\_Civil\\_XIXth\\_Commonwealth\\_Games\\_6\\_2011.pdf](https://cag.gov.in/uploads/download_audit_report/2011/Union_Performance_Civil_XIXth_Commonwealth_Games_6_2011.pdf). See, also; OECD (2019), *Mitigating Corruption Risks in the Procurement of Sporting Events*, available online <https://www.oecd.org/gov/public-procurement/mitigating-corruption-risks-procurement-sporting-events-IPACS.pdf>; and Arrowsmith, S. & Others, *Procuring infrastructure for international sporting events: mapping the field for IPACS and beyond*, available online [https://www.unodc.org/documents/Safeguardingsport/Meetings/2019-09\\_-\\_Safeguarding\\_Sport\\_from\\_Corruption/PPTS/C\\_Panel\\_8\\_-\\_Sue\\_Arrowsmith\\_-\\_Mapping\\_article\\_final.pdf](https://www.unodc.org/documents/Safeguardingsport/Meetings/2019-09_-_Safeguarding_Sport_from_Corruption/PPTS/C_Panel_8_-_Sue_Arrowsmith_-_Mapping_article_final.pdf).

35 See, e.g., Ministry of Road Transport & Highways (2020), O.M. F.No.G-20016/01/2020-TF-II dated 17 November 2020, available online <https://morth.nic.in/sites/default/files/establishment/SCAN%20PAPER0057972020117171913%20%281%29.pdf>; indicating the hitherto prevailing practise that has now been suspended only because of liquidity issues with bidders during the COVID-19 pandemic.

36 See, e.g., CWC Form W-2, available online <http://cwc.gov.in/sites/default/files/admin/w2-new-fampc-clause-may-2010.pdf>.

bid comparison; (3) have no relationship with the country of origin or the size of a bidder; and (4) are perhaps more difficult to be used strategically by foreign/ big domestic bidders given that bigger firms typically exercise greater due diligence in establishing and ensuring reasonableness of their financial offers unless some deep pocketed bidder (whether new or incumbent) is desperate to get a foothold into the government procurement marketplace notwithstanding its relative lack of professionalism. On the contrary, in a QCBS environment, a foreign or large bidder is more likely to obtain higher marks and walk away with a public contract all too easily, to the detriment of both domestic and MSME bidders, and also to the detriment of fiscal prudence.

#### ***Hypothesis V(d): QCBS results in selection of “better” suppliers and contractors***

Not really. The same outcomes can be achieved with the L1 System if experience and financial strength-related criteria are designed properly as was done for passport front office management in India. As stated earlier, QCBS in an Indian context is highly likely to lead to: (1) advance match-fixing of bidders through a marking system designed to favour particular bidders; (2) enormous subjectivity in contractor selection; (3) award of contracts at higher prices (vis-à-vis L1) without consequential benefits on the quality of goods supplied or of construction; and (4) making it easier for a small pool of high-financial capacity bidders to circulate contracts amongst themselves through bid rotation and other anti-competitive mechanisms, to the direct detriment of MSME and mid-level infrastructure contractors. A more detailed and detached analysis of present infrastructure procurement practices in India, if ever undertaken, is more likely to inform how larger contractors use their spare bidding capacities and high threshold financial/ experience criteria fixed by “friendly” procuring agencies in infrastructure contracts, only lending their names (and to be fair, carrying some reputational risk) to large projects, quickly sub-contracting large parts both formally and informally to these very same mid-level infrastructure contractors: sub-contracting practices that are unlikely to cease if these same contracts are now awarded at higher prices to the same mega-size bidders under the QCBS System.

#### ***Hypothesis V(e): A Shift From The L1 System Would Lead To More Streamlined Contract Management***

Unlikely. The QCBS System, in comparison to the L1 System, has all of L1 problems PLUS one, namely, that the QCBS method would also allow highly subjective grading of bidders and consequential easy gaming of contract award decisions in favour of favoured/ foreign/ large-sized bidders. In fact, the existing L1 System allows for simpler contract award decisions while implementing a number of important public policies of the Central Government such as MSME preferences, where a MSME can be awarded a contract at L1 prices if its price offer is within a small percentage of the (non-MSME) L1 bidder. In contrast, it is unclear how the MSME preferences can ever operate in a QCBS System given that contract award is not at the lowest price, thus leaving a huge vacuum in terms of “reference pricing” to be used for apportionment of contracted quantities. The same problem—absence of reference pricing—would get repeated if the QCBS system were to be adopted for “Make In India” contracts under the DPIIT’s hugely successful domestic preference policies.<sup>37</sup> Within a Make-In-India context, a QCBS System would throw up even more complex (and perhaps unresolvable) challenges

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<sup>37</sup> See, e.g., Verma, S. (2015), *Love in the time of Cholera: Taking Procurement Reform Forward Amidst Increasing Incidence of Anti-GFR Provisions in Government Tenders*, SSRN, available online <https://ssrn.com/abstract=2590007>.



to public procurement officials: what would they need to do, for instance, if a vendor having promised a certain quality or indigenous content at the time of bidding rolls back quality formally by even 1%? It is unclear if a public procurement official would then be required to cancel such a “non-conforming” contract, or to subtract some amount from the contracted price, short of blacklisting or debarring such a supplier.

A QCBS System could thus act against the interests of both MSME suppliers under the MSME policy, as well as domestic suppliers bidding under the DPIIT’s Make-In-India domestic preference frameworks. A shift away from L1 would therefore make contract management more difficult and dispute-prone, rather than the other way around as claimed. In addition, the QCBS System for infrastructure contracts can create more management confusions as compared to a typical L1 scenario, given that bid withdrawal and award of incomplete works at risk and cost of a terminated contractor can be fairly routine, almost as high 15-20% of works contracts can be left unfinished and therefore need fresh tenders for completion of balance works. Consider the case of withdrawal of bid by the best offeror, where under present rules, a procuring entity can award a contract straightway to the L2 bidder at L1’s price—it is difficult to see how a case like this would be decided in a QCBS scenario, surely not by allowing a lower quality bidder at the higher price of the original offeror? Again, for terminated contracts awarded at risk and cost of an original contractor, it is debatable whether a QCBS method would yield uncontested results where the quality and price aspects of the best offeror for balance works can be very different from that of the original contractor for originally awarded works.

#### **VI. A Continuing Focus On Opening Up India’s Public Procurement Markets Sans Reciprocity**

Given the answers attempted in section V above, it is indeed curious that CEAI managed to advocate at all a case for doing away with the L1 System. Such a shift would act both against MSME as well as against domestic bidders; and could be simply yet another attempt at quietly opening up India’s public procurement marketplace in the name of procurement reform. To that extent, it appears to be simply an extension of what has been witnessed in India for almost a decade through concerted attacks for cracking India open to foreign suppliers: the first one being the draft Public Procurement Bill piloted in 2011 by the erstwhile NITI Aayog (not its present transformative “Think-Tank” avatar) that required foreign bidders to be treated at par with domestic bidders<sup>38</sup>, notwithstanding lack of such equitable treatment to Indian bidders elsewhere. Thankfully, the Central Government ensured the Bill’s quiet burial in 2015 and allowed it to lapse.

The next attempt at harming Indian bidders competing in international marketplaces came in the form of proposed legislation self-righteously titled “Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill” in 2011 itself<sup>39</sup>: that ingenious attempt was dumped once the Central Government realised its potential harm given that the 2011 Bill contained no exceptions whatsoever (even for normal managerial expenses and such like) that are allowed by a number of developed countries, for instance by the US in its FCPA or by the UK in its ABA.<sup>40</sup> The latest attempts at opening up Indian public

<sup>38</sup> *Why Procurement Reform in India States is tricky*, Business Standard (08 February 2014), available online [https://www.business-standard.com/article/opinion/sandeep-verma-why-procurement-reform-in-indian-states-is-tricky-114020800886\\_1.html](https://www.business-standard.com/article/opinion/sandeep-verma-why-procurement-reform-in-indian-states-is-tricky-114020800886_1.html).

<sup>39</sup> *Supra* n.5.

<sup>40</sup> *Ibid*.

procurement markets, once again in guise of procurement reform, came in 2018 when fancy presentations were made in Maharashtra to get the State to move away from L1 contracts using pied-piper logic of “best value” procurement, through proposals for, surprise-surprise, QCBS replacing the L1/ LPTA method of bid comparison.<sup>41</sup>

## VII. Conclusions

The Central Government in India has shown stupendous results in propping domestic manufacturing up over the last few years using a variety of ingenious policy responses such as cluster based manufacturing-linked incentive schemes in the electronics sector; a renewed emphasis to domestic manufacturing through GFR amendments as well as the hugely successful DPIIT’s “Make In India” policy framework; as well as a unique and innovative impetus to the MSME sector by enabling access to a bill discounting platforms for genuine trade transactions.

At the same time, India definitely needs to avoid status-quoism with its public procurement systems, given the new leadership’s strong emphasis on timely project completion and professional delivery of public services. Supporting this grand political vision, India’s new and transformative NITI Aayog has come with a number of important policy suggestions recently: perhaps the most important amongst them being a bill drafted for management of post-award disputes in public contracts. It is this phase—the more important contract administration phase—that is perhaps more in need of urgent procurement reform through a number of other innovations such as interest against delayed payments due, comprehensive performance securities, on-line real-time management of hindrances, and so on. This contract administration phase is where difficult challenges to real procurement reform lie; and if this phase is managed well, then the contract award phase for future projects generally responds quickly and tends to automatically benefit from more competition from more serious players improving quality and reducing costs at the same time.

On the other hand, the L1/ QCBS debate that has recently been initiated by CEAI is one that is clearly fraught with potential for, inter alia, increased litigation and integrity abuses in public contract award decisions, greater difficulties in addressing MSME and domestic manufacturing preferences, and absence of any beneficial impacts on quality, delays or overruns—clearly a proposal that takes India backward rather than forward onto the path of meaningful reform of its public procurement systems. In fact, the CEAI arguments resemble the foreign bribery story all over again: one that was actually aimed at reducing the competitiveness of the Indian industry while pretending to be a politically correct, anti-foreign bribery statute. Given how deftly the Central Government handled the difficult 2011 situation with its modified proposals on the “Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill” that were made to the Law Commission in 2015, it appears likely that the L1 issues being raised by the CEAI will once again be as closely scrutinised by the Central Government from overall national interest perspectives as ever—given that it clearly is a Government that believes in “real” procurement reform for achieving truly national interest objectives, rather than just managing the optics of it for appearances sake.

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<sup>41</sup> *Supra* n.7.







# **SPEAKERS PROFILES**





### Jayant Sinha

*Chairperson of the Standing Committee on Finance  
Parliament of India BJP Lok Sabha Member of Parliament from Hazaribagh,  
Jharkhand*

Mr. Sinha is a second term Member of Parliament from Jharkhand, India. Mr. Sinha won his Lok Sabha elections in 2014 and 2019 with record margins. As Chairperson of the Standing Committee on Finance, Mr. Sinha leads the 31 member Parliamentary panel that has oversight of the Ministries of Finance, Corporate Affairs, Statistics & Program Implementation, and the Niti Aayog (the government planning agency). In addition, the panel has Parliamentary responsibility for the Reserve Bank of India, the Securities & Exchange Board of India, the Insolvency & Bankruptcy Board, and the Insurance and Pension regulatory authorities. Mr. Sinha is very active in Parliament having opened the debate on India's Annual Budget on multiple occasions as well as by introducing important Private Member Bills. In the 2021 Budget session, he introduced the Climate Change (Net Zero Carbon) Private Member Bill 2021.

Previously, Mr. Sinha served on India's Council of Ministers from 2014 to 2019; first, as the Minister of State for Finance and then as the Minister of State for Civil Aviation. During his time as a Minister, Mr. Sinha gained wide recognition as an innovative and results-oriented policymaker with singular successes ranging from piloting the legislation that brought in India's game-changing bankruptcy code to establishing India's sovereign wealth fund (the National Investment & Infrastructure Fund) to privatizing multiple airports under an entirely new regulatory framework. As Aviation Minister, Mr. Sinha was instrumental in upgrading safety and security across India's fast-growing aviation system. He launched the UDAN Regional Connectivity Scheme which expanded the number of operational airports in India by 50% in just three years. Mr. Sinha also implemented several major digital initiatives such as the Digital Sky drone policy and the DigiYatra digital traveler program.

Prior to his career in public service, Mr. Sinha was Partner at Omidyar Network (ON) and the Managing Director of Omidyar Network India Advisors, where he led overall investment strategy and operations in India from 2009 to 2013. At Omidyar, Mr. Sinha made venture capital investments in a variety of companies including two unicorns: Quikr and DailyHunt. Before joining Omidyar Network, Mr. Sinha was Managing Director at Courage Capital Management, where he led Global Technology and India-related investing for a billion dollar global special situations hedge fund. Mr. Sinha joined Courage Capital in 2006 after twelve years with McKinsey & Company, where he was a Partner in the Boston and Delhi offices, and co-led the Global Software & Services Practice.

As a global thought leader, Mr. Sinha has been published in the Financial Times, Times of India, Economic Times, Indian Express, Business Standard, Harvard Business Review, and the McKinsey Quarterly. He has pioneered new thinking on platform-based businesses, innovation-driven entrepreneurship, Climate Change, and sustainable development. Mr. Sinha's Getting to the Green Frontier development model is gaining broad acceptance as the Net Zero pathway for India in the 21st century.

Mr. Sinha has an MBA with Distinction from the Harvard Business School, an MS in Energy Management & Policy from the University of Pennsylvania, and a BTech with Distinction from the IIT Delhi. He was awarded the Distinguished Alumni award from IIT Delhi in 2015.



### Auguste Tano Kouamé

*Country Director  
World Bank*

Auguste Tano Kouamé is the World Bank's Country Director for India effective August 1, 2022. Auguste, a national of Côte d'Ivoire, most recently served as the World Bank's Country Director for the Republic of Türkiye – where he led the expansion of the Bank's country program and deepened its support to Türkiye's climate agenda. Prior to this, he served as Director of the Department of Human Development and Economic Management in the World Bank Group's Independent Evaluation Group (IEG) from January 2017 to April 2019. He also held positions as Practice Manager in the Macroeconomics and Fiscal Management Practice of the World Bank, first in Latin America and Caribbean countries and then in the Middle East and North Africa regions.

From 2008 to 2014, he held the positions of Sector Manager for Economic Policy, Sector Leader, and Lead Economist in the Poverty Reduction and Economic Management Unit and served as acting Chief Economist for the MENA Region. From 2005 to 2008, he served as Assistant to the World Bank Group President. Auguste took field assignments from 2002-05 as Senior Country Economist, based in Santo Domingo, Dominican Republic, and, subsequently, as World Bank representative in Haiti. He was a core team member of the World Bank's 1998/99 World Development Report on Knowledge for Development.

Prior to joining the World Bank as a Young Professional in 1996, he worked at the United Nations Development Program and taught Applied Economics in Côte d'Ivoire and France.

Auguste holds a graduate degree in applied economics from ENSAE-Paris and a PhD in economics from EHESS-Paris. He also attended a program in Economic Management at Harvard University.



### Takeo Konishi

*Country Director  
Asian Development Bank in India*

Mr. Takeo Konishi is the Country Director of Asian development Bank in India. Mr. Konishi has more than 22 years of professional experience, including almost 20 years with ADB. He steadily progressed through senior roles since joining ADB as a Young Professional in August 1999. He has worked in SEOD as Programs Officer/ Programs Coordination Specialist for 2 years and was assigned in PHCO as Programs Coordination Specialist in November 2003. He transferred to BPMSD as Human Resource Specialist in BPHR in September 2004 and was promoted to Senior Human Resource Specialist in February 2005. He then progressed to Principal Board Operations Specialist, OSEC in June 2008 and moved back to BPMSD in September 2011 as Advisor, BPMSD and Head, Unit for Institutional Coordination in BPOD-UIC. While in UIC, he supported ADB's Work Program and Budget Framework and implemented corresponding institutional changes to address evolving business needs and institutional priorities. In April 2014, he took over as Country Director, URM, where he established the ground-work for the significant increase in operations in a very complex and challenging environment. He moved to Central West Asia Department (CWRD) as Advisor in July 2018 and in this role, he supported the restructuring of CWRD's front office to help optimize the division of responsibilities and improve CWRD's overall operational effectiveness. He also effectively liaises with the Management and Board on a range of operational matters. Prior to ADB, he was Consultant at Inter-American Development Bank and PADCO (now AECOM International Development) in the USA. Mr. Konishi holds a Master's degree in Public and International Affairs from University of Pittsburgh, USA and a Bachelor's degree in Political Science from Lynchburg College, USA.



## Shrinivas Dempo

*President, All India Management Association and  
Chairman, Dempo Group of Companies*

Mr Shrinivas Dempo is the President of AIMA and Chairman of the Goa-based Dempo Group of Companies, which has diversified interests in industries such as calcined petroleum coke, shipbuilding, food processing, real estate and newspaper publishing. He has been Chairman of the western region of the largest industry lobby in India, the Confederation of Indian Industry. In 2013, Shrinivas was named honorary vice consul of Italy in Goa, India. He was appointed Chairman (Independent Director) of Automobile Corporation of Goa Ltd, a Tata Group Company. Mr. Dempo earned his Bachelor's and Master's degrees from the University of Mumbai in 1990 and 1992 respectively. He later took a Master of Science degree in Industrial Administration & Finance from Carnegie Mellon University, Pittsburgh, Pennsylvania, USA in 1995 and in 2019 he was elected as a member on their Board of Trustees. In 2020 he received the Tepper Achievement Award, in recognition of his influential roles as Chairman and Managing Director of the Dempo Group and in professional associations and civic organizations in India.



## Rekha Sethi

*Director General,  
All India Management Association*

Rekha Sethi is the Director General of the AIMA, the apex body for management in India. Rekha took charge of AIMA in June 2008. She has since established AIMA as the preferred platform for discussions and debate on management and has deepened AIMA's relationship with the Government of India and India Inc. AIMA now attracts India's top industry leaders and policy makers on its platform. Rekha is on the Boards of some leading Indian companies as an Independent Director including CESC, one of India's foremost Power generation and distribution companies and the flagship company in the RP-Sanjiv Goenka Group. She is also on the Board of Samvardhana Motherson International Ltd – a diversified global manufacturing specialist and one of the world's largest and fastest growing automotive supplier for OEMs, with 270 plants across 41 countries. She is on the Board of Spencer's Retail Ltd – one of India's leading retailers and on the Board of Hero Steels Limited manufacturing Steel products. She is also on the Board of Kirloskar Brothers Limited, one of India's largest centrifugal pump manufactures with manufacturing facilities in the Netherlands, South Africa, Thailand, UK & US. She has earlier served on the Board of Sun Pharmaceutical Industries Ltd, world's fourth largest specialty generic pharmaceutical company and India's top pharmaceutical company and on the Boards of Sun Pharma Laboratories Ltd and Sun Pharma Distributors Ltd. She represents AIMA on the Governing Council of the National Productivity Council, an autonomous organisation of the Department for Promotion of Industry and Internal Trade. Prior to joining AIMA, Rekha worked with India's premier industry organisation, the Confederation of Indian Industry (CII) for over 17 years. There she led the initiative to create high-profile international events to promote India's economic interests. She started her career with the Center for Development of Telematics (C-DoT). Rekha is an alumna of St Stephens College, Delhi University. Prior to joining AIMA, Rekha worked with India's premier industry organisation, the Confederation of Indian Industry (CII) for over 17 years. There she led the initiative to create high-profile international events to promote India's economic interests. She started her career with the Center for Development of Telematics (C-DoT). Rekha is an alumna of St Stephens College, Delhi University.

(First word alphabetically wise)

**Amarendra Kumar***Chief General Manager**National Highway Authority of India Limited*

Mr. Amarendra Kumar has over 25 years of experience in the field of Public Private Partnership (PPP), Emergency Management, Public Policy and Highway Development. At present he is the Chief General Manager at National Highways Authority of India (NHAI) Ministry of Road Transport Highways looking after states -Himachal, Jammu & Kashmir and Uttarakhand.

Before that he was Chief Engineer in the Ministry of Road Transport & Highways in different departments and also handled regional offices in Raipur & Guwahati.

Mr Kumar did his BTech, Civil Engineering from Indian Institute of Technology, Varanasi.

**B Anantha Sarma***Executive Director**Corporate Contract Services & Material Management Department**POWERGRID*

B Anantha Sarma , Executive Director, Corporate Contract Services & Material Management Dept. He has more than 35 years of professional experience in different capacities in premier PSUs in Power Sector viz, NTPC and POWERGRID. During the last 30 years in POWERGRID, has experience in areas of Project Management, Procurement Management, Asset Management, Commercial and Human Resource Management. Mr. Sarma Served as Head of POWERGRID's North Eastern Region, directly reporting to the Chairman & Managing Director, was responsible for the performance of the entire Region comprising seven states. He also Worked as Head of the Projects Department in Southern Region and Western Region and executed several projects from the stage of the land acquisition to the commissioning of the systems. Also worked in the Project Monitoring Services in Southern Region in the capacity of Head of the Department and also in the working level prior to that. He also served as head of the Asset Management Department in Western Region-I and was responsible for the Operation & Maintenance of the entire Transmission assets of Western Region I of POWERGRID covering the states of Maharashtra, Chhattisgarh, Goa and a part of Madhya Pradesh. Currently he is serving as Executive Director, Corporate Contract Services & Material Management Deptt responsible for procurement of capital intensive equipment(s) used for transmitting electricity through transmission lines, Substation(s) etc. Procurement of about Rs 50000 cr is being handled currently. Mr Sarma has done his B.Tech from Jawaharlal Nehru Technological University in Electrical & Electronics Engineering and Master of Business Administration from Indira Gandhi National Open University in Human Resource Management.



### **Baldeo Purushartha**

*Joint Secretary, Department of Economic Affairs  
Ministry of Finance, Government of India*

Baldeo Purushartha holds Post Graduate degree in History from University of Delhi.

He Joined the Indian Administrative Service (IAS) in 2002. Before joining as Joint Secretary, Department of Economic Affairs, Ministry of Finance, Government of India, he served as Secretary, Lokpal and Divisional Commissioner, Jalandhar, Punjab from 08/2018 to 01/2020. He also served in various field and secretariat positions in the Government of Punjab and Government of India. Among the posts he has held are Private Secretary to Union Minister of State (Independent Charge) in the Ministry of Housing and Urban Affairs; Director, Industries and Commerce Department, Punjab; Director, Technical Education and Industrial Training, Punjab, Commissioner, NRI, Punjab, Special Secretary, Expenditure, Punjab and Commissioner, Municipal Corporation, Chandigarh, Punjab.



### **Gaurav Godhwani**

*Co-founder and Director  
CivicDataLab*

Gaurav Godhwani is co-founder and director at CivicDataLab - a research lab harnessing data, tech, design and social science to improve access to open data and civic engagements in India. He has been instrumental in starting data for public good initiatives in India like - DataKind Bangalore, Open Budgets India, Justice Hub & Open Contracting India. Currently, he is focused to grow open data led innovations in public procurement processes at sub-national level. When he is away from the keyboard, he enjoys spending his time travelling, teaching and doing photography.



### **Hunt La Cascia**

*Senior Procurement Specialist  
World Bank, NW*

Hunt La Cascia is a Senior Procurement Specialist in the Governance Global Unit. He focuses the full range of procurement fiduciary and reform, service and knowledge functions supporting the World Bank's Global portfolio of projects which contain GovTech components. He offers advice and support to global task teams and procurement staff in the preparation and supervision of projects with major GovTech investments. He plays substantive role in improving World Bank GovTech procurement practices and approaches. Hunt leads initiatives on global and country level engagements on Green Public Procurement. He has published report on the Green Public Procurement: An Overview of Green Reforms in Country Procurement Systems. He is also the chair the Green Public Procurement Community of Practice at the World Bank. Additionally, he works on GovTech initiatives including innovative global products including Greening GovTech and GovTech in Fragility, Conflict & Violence (FCV) context. Furthermore, he has published the report on Finding Fraud: GovTech and Fraud Detection in Public Administration. Hunt leads initiatives to modernize the procurement function in World Bank client countries by providing e-Procurement advice, performing assessments of country e-Procurement systems, and measuring the savings in public resources because of using e-procurement. To this end, he spearheaded several e-Procurement initiatives, including: eProcurementToolkit.org, eProcurementLearning.org, Global Public Procurement Database, and a globally focused e-Procurement community of practice. His reports on the subject include Disruptive Technologies in Public Procurement and Electronic Government Procurement Implementation Types: Options for Africa. Mr. La Cascia holds a Bachelor of Electrical Engineering from Vanderbilt University and a Master of Computer Science from Boston University. Previous to the World Bank, he worked in the United Nations at several Rome, Italy based agencies/organizations including FAO, WFP and IDLO.



### **K Venkata Ramana**

*Executive Vice President & Head Legal  
Tata Projects Limited*

K Venkata Ramana heads Legal Department of Tata Projects Limited . He has close to three decades of rich and diverse experience in Legal matters involving Environmental Laws, Construction contracts, Arbitration Laws and Public Interest Litigations.

Prior to joining Tata Projects, he worked with Hindustan Construction Company where he was heading legal department for 11 years and prior to the same he was associated with Ambuja Cements Ltd. and practised at Andhra Pradesh High Court at Hyderabad.

Mr. Ramana is a BCom ( Hons ) and Law Graduate from Osmania University Hyderabad.





## Kabeer Arora

*Program lead*

*The Open Contracting India initiative*

*CivicDataLab*

Kabeer Arora leads the Open Contracting India initiative at CivicDataLab that works towards making public procurement in India more efficient, accessible and participatory. His work in communicating research and conceptualizing stakeholder engagement has helped make visibly complex knowledge accessible to people. His previous experience/work in urban studies influences his grounded approach towards accessibility and impact.



## Palash Srivastava

*Deputy CEO*

*IIFCL Projects*

A total of 26 years of experience in infrastructure transaction advisory/ investment (debt, equity, and funds), public private partnerships in infrastructure, management consulting and fund raising, capacity building & training in India. Led teams through a variety of leadership roles as Business Head/Regional Manager/Practice Head/Project Manager ranging from a small knowledge based/project teams to over 50 professional staff – managing contracts & concessions for organisations such as – IDFC Group, CRISIL, Feedback Ventures, IL&FS & Adity Birla Group. Have worked on transactions in all core infrastructure sectors –roads, ports, airports, railways, urban transport, water supply and solid waste management; Agriculture Warehousing; Industrial parks and Special Economic Zones, IT, Tourism / Leisure & Entertainment, Real Estate, Healthcare. He has an MBA from RA Podar Institute of Management and completed his Civil Engineering from Malaviya National Institute of Technology, Jaipur.



### **Pankaj Sinha**

*Senior Investment Officer  
International Finance Corporation  
World Bank Group*

Pankaj Sinha is a graduate engineer and an MBA with over 27 years of experience in the infrastructure sector with specific focus on PPPs for last 15 years. He has successfully led several PPP transactions in sectors such as urban transport infrastructure, solar, health, mining and water. He has worked in several states of India as well as in other countries such as Bangladesh, Nepal and Bhutan.



### **Prakash Mirani**

*Additional CEO  
Government e Marketplace*

Mr. Prakash Mirani IRSS (1989 Batch) has over 32 years of experience in Public Procurement, Administration, Budgeting, Logistics, E-Procurement etc.

Mr. Mirani has dealt with public procurement in Indian Railways in various capacities. He has handled large value Procurements as Director, Ministry of Railways. He also provided Procurement Consultancy Services for The World Bank funded projects as General Manager, RITES Ltd.

Presently he is working as Joint Secretary & Additional CEO, GeM. Responsible for Creation of Services, Forward Auction, Buyer Management and Legal Framework.

Mr. Mirani has done BE, LL.B., MBA, Post Graduate Diploma (Public Policy and Sustainable Development).



### **R. Ganesan**

*Head - Corporate Centre  
Larsen & Toubro Construction Limited*

Mr. Ganesan is a Mechanical Engineer from Bangalore University with around 30 years of experience in Corporate Strategy, Project Management, development & implementation of project & business strategies in Construction, Oil & Gas, Petrochemical and Refinery industries.

His current Portfolio Includes Facilitating Corporate Strategy implementation, Heading the Supply Chain, Digital, IT and Analytics Organizations, Spearheading Digital Initiatives and Business Analytics, Special Initiatives like Business Process re-engineering and Sponsor for L&T EduTech Business Prior to joining L&T, he was with Cairn India Ltd. for more than 15 years where he held senior positions including Director - Integrated Offshore Business & Member of Executive Committee.



### **Dr. Raj Agrawal**

*Director  
Centre for Management Education  
All India Management Association*

Currently, Dr. Raj Agrawal is Professor and Director of All India Management Association, Centre for Management Education (AIMA CME). Before joining AIMA CME, Dr. Agrawal was Professor and Director of IILM Academy of Higher Learning, Greater Noida. He is also a "Visiting Research Professor" in Montana State University, Billings, United States (US). He has more than thirty-five years of academic experience of working in prestigious national institutions like; All India Management Association (AIMA), Association of Indian Universities, Motilal Regional Engineering College and other national institutes. He is member in AICTE Council and actively associated with NAAC, National Board of Accreditation (NBA) Quality Council of India and DSIR, Dept of Science and Technology and National Skill Development Corporation (NSDC). Dr. Agrawal is also represented in Board of Studies and Governing council of several institutes and universities

He has organized several training programmes both for reputed public and private sector companies like ONGC, Engineers India Ltd, Power Grind Corporation, Delhi Metro, NTPC, Indian Oil, HDFC, ICICI bank etc. He also delivered sessions in these programmes as resource person at middle and senior level.

Dr. Agrawal has done PhD from Allahabad University. A prolific writer and keen researcher, he has written more than a hundred articles in leading national and international journals. He has also authored and edited more than ten books on Management. He is also associated with the World Bank and regularly invited by national and overseas organizations to deliver talks on contemporary economic and social issues.



### **Rajesh Gupta**

*Deputy Director General DPIIT  
Ministry of Commerce and Industry*

Rajesh Gupta Indian Supply Service (1988 Batch) has over 33 years of experience in public procurement of goods, equipment, works and consulting services.

He has worked with DPIIT for Implementation of Public Procurement (Preference to Make in India) Order. He has worked with Dte.General of Health Services and AIIMS, New Delhi/ Ministry of Health and Welfare. He has done Procurement for Defence forces including time bound emergent purchases for Contingents of Indian Army going on UN Mission abroad in Army Headquarters/ Ministry of Defence. Also he assisted the Islamic Republic of Afghanistan at Kabul in Procurement.

In addition to that he has more than a decade of procurement experience in DGS&D/ Deptt of Commerce across industries including three years of experience in Computerization of Procurement activities in DGS&D.

Mr. Gupta has received "Engineer-in-Chief's Commendation" at Army HQ in 2004 "Certificate of Excellence" and Medal for "Best Officer of DGS&D" in 2010 at DGS&D for his outstanding performance.

Mr. Gupta is currently working as Deputy Director General DPIIT Ministry of Commerce and Industry Government of India New Delhi.

Mr. Rajesh Gupta has done his Bachelors in Mechanical Engineering. Has Post Graduate Diploma in Computer Applications, He is also a Chartered Financial Analyst.



### **Ravindra Dwivedi**

*Head - Project Program Management  
Mott MacDonald*

Ravindra is a Civil Engineer from the National Institute of Technology (NIT), Kurukshetra and Master of Technology (M.Tech.). from the National Institute of Technology (NIT) Bhopal and MBA(Finance) from School of Petroleum Management (SPM), Gandhinagar. Ravindra is currently working as Head - Project Program Management with Mott MacDonald. The Mott MacDonald Group is a global US\$2bn Engineering, Management and Development consultancy headquartered in the United Kingdom having presence in 150 countries.

By virtue of his rich experience of over twenty-seven years in managerial cadre in wide range of assignments he has exceptional problem-solving skills, expertise in optimising resources; ability to motivate and encourage teams to achieve performance goals. He has expertise in managing and improving processes by relating processes to business strategy and developing comprehensive plans for risk, communication and change management. Ravindra has good experience in executing wide range of complex project management and programme management assignments.



### **Ravindra Kumar Jain**

*Managing Director*

*Dedicated Freight Corridor Corporation of India Ltd.*

Mr. Ravindra Kumar Jain has vast experience of Civil Engineering and Project works. He has worked in different capacities to complete various gauge conversion projects and new line/multi tracking projects in Rajasthan (NWR) and Gujarat (WR) as Dy Chief Engineer. For Surendranagar-Pipavav Port Gauge Conversion-cum- new line, first of SPV project, he has been felicitated with 'Letter of Appreciation' by Railway Board. He has also been awarded at various other occasions with 'General Manager's Medal' and also 'Letter of Appreciation' for meritorious works.

He also worked as Chairman, Railway Recruitment Board, Ajmer for about two years, where he was part of the team for the first time implementing online exams (CBT) by RRBs.

He has also worked as in charge Sr. Divisional Engineer for Mumbai Division, where suburban tracks and structures are maintained. He firstly introduced implosion technology for demolition of old framed structures in Mumbai Division.

He has gained international experience at Tokyo, Kyoto & Osaka (Japan) as Team Leader for studying 'Track Maintenance Practices' in Japanese Railways as part of 'Track Maintenance Group' of Indian Railways in 2019.

Currently he is the Managing Director, Dedicated Freight Corridor Corp. of India Ltd. (A PSU of Ministry of Railway)

He completed his B.Tech. in Civil Engineering from MNIT, Jaipur (1980-85) and M.Tech. in Environmental Engineering from University of Roorkee (now IIT, Roorkee) (1986-88).



### **Sandeep Verma**

*Indian Administrative Service*

*Additional Chief Secretary to Government of  
Rajasthan Department of Science & Technology*

SANDEEP VERMA holds an L.L.M. with highest honours, having specialized in Government Procurement Law from The George Washington University Law School, Washington D.C. in 2009. Earlier, he obtained his postgraduate and graduate degrees in engineering from the Indian Institute of Technology, Delhi in 1992 and in 1990 respectively. He is a member of The Indian Administrative Service since 1993; and has worked in senior positions in federal and state governments for almost thirty years. He presently works as Additional Chief Secretary to (State) Government of Rajasthan, where he looks after policies, projects and initiatives for promotion of science, technology & innovation.

Sandeep Verma regularly authors both full law papers and shorter legal/ public policy briefs on current topics of interest to government contracts professionals and other stakeholders, including The Procurement Flyers on SSRN- a series aimed at providing practical insights for resolution of common problems routinely faced by government contracting officials at various stages of award and administration of public contracts in India. His extensive and in-depth research on both Indian and comparative government contract law has been cited in a number of international studies and other scholarly work, and most recently in The Internationalisation of Government Procurement Regulation.

**Sanjay Aggarwal**

*Advisor (Procurement Policy)  
Ministry of Finance  
Government of India*

Sanjay Aggarwal is currently holding the post of Advisor (Procurement Policy) in Ministry of Finance, Government of India. He has been working in the area of procurement policy in Ministry of Finance for last seven years. Mr. Aggarwal was the lead team member of the Task force on revision of General Financial Rules (GFRs) issued in March, 2017. These Rules are overarching instructions for all procurements in India. He was also instrumental in publishing comprehensive Procurement Manuals in 2017. Mr. Aggarwal has also contributed in development of capacity building program in Public Procurement at National Institute of Financial Management (NIFM). This ongoing program has already trained more than seven thousand procurement professionals across all Ministries, Departments of Government of India in last four years.

He has varied experience spanning more than 27 years in procurement and supply chain management with special expertise in electronic procurement. He has also interest in the area of electronic commerce and was elected Vice Chairman of "Internet and Mobile Association of India (IAMAI)" between 2008 and 2010.

Besides a graduate degree in Engineering, he also holds three post-graduate qualifications in Public Administration, General Management and Financial Markets.

**Saurabh Bhattacharya**

*Additional Executive Director  
Centre for Smart Governance  
Government of Karnataka*

Saurabh Bhattacharya is the Additional Executive Director, Centre for Smart Governance, Government of Karnataka. With more than 18 years of experience, he has Masters in Computer Applications with Certification on Bitcoin and Cryptocurrency technologies. Saurabh specializes in architecting of technical solutions. He has been working on Blockchain use cases for Governments and has developed key architectural considerations and policy imperatives for use and promotion of Blockchain by Governments. In his career spanning 18 years, he has designed production grade Blockchain systems to enterprise level Financial Management Systems for Governments. He converges domain understanding with his technical expertise to deliver effective solutions for clients. Saurabh has significant international exposures, having worked with World Bank and other similar multi-lateral agencies in their projects across various developing countries. Saurabh has worked internationally in the African region, Caribbean countries in Latin America, South-East Asia, Bhutan / Bangladesh in South Asia and Middle East in various techno-consulting roles spanning from Policy Formulation to System Design.



### **Shanker Lal**

*Country Procurement Lead for India  
World Bank*

Shanker is the Country Procurement Lead for India and is based in New Delhi (India). He has a post graduate degree in Mechanical Engineering from Indian Institute of Technology (IIT-BHU) and Graduate Diploma in Purchasing & Supply from the Chartered Institute of Procurement and Supply (CIPS), U.K. He is a Fellow of CIPS (FCIPS).

Apart from managing the Bank Procurement Team in India (since July 2014) for providing support to Bank-financed operations, he has been working on procurement capacity building and procurement reform initiatives. He has been the Task Leader for a number of Global and Indian studies, some of which are available at website of the World Bank. He has supported design and launch of many capacity building initiatives in partnership with reputed Indian institutions; and mobilizing the procurement community for setting up the Public Procurement Professional Association of India (PPPAI).

Before joining the Bank, he was working as Deputy Head (Contracts and Procurement) for Department for International Development (DFID), Government of U.K. at New Delhi office.

Apart from authoring various blogs (available at [blogs.worldbank.org/team/shanker-lal](https://blogs.worldbank.org/team/shanker-lal)), Shanker has also contributed a Guidebook on Framework Agreements.



### **Shweta Bidhuri**

*Head (South Asia)  
Singapore International Arbitration Centre*

As the Head of South Asia at the Singapore International Arbitration Centre, Ms Shwetha Bidhuri oversees SIAC's activities in South Asia and facilitates the dissemination of necessary information on arbitration at SIAC and in Singapore with a focus to help companies, investors, and legal practitioners in the region understand how they can efficiently resolve international commercial disputes by using SIAC's Rules and Procedures.

Shwetha enrolled as an Advocate in 2007 and holds a Master of Laws degree. Prior to joining SIAC, Shwetha worked in the dispute resolution practice of a leading law firm in New Delhi for nearly a decade on commercial litigation cases and a number of investment treaty arbitrations involving India. Shwetha has worked on many leading cases which have contributed to the development of law affecting global companies. She is also an expert faculty on International Arbitration at NALSAR, Hyderabad".





### **Stephane Y Bessadi**

*Senior Procurement Specialist  
Asian Development Bank*

As part of ADB's Procurement, Portfolio, and Financial Management Department (PPFD), Stephane Bessadi strategically supports infrastructures projects design and procurement in East Asia, Southeast Asia and the Pacific, focusing on resilience, operations and maintenance and low carbon technologies. Stéphane also leads on innovative water and wastewater practices and technologies from the water service industry. Before joining ADB in 2017, Stephane worked for 15 years with private water companies, primarily Suez Environnement. A French national, Stéphane holds Masters Degree in Water Management from AgroParisTech and Engineer Economist Degree from Magistère Ingénieur Economiste of Aix Marseille II University, both in France, and a Bachelor Degree in Economics from McGill University, Montreal, Canada.



### **Vikash Chandra**

*Director  
Deloitte*

Vikash Chandra is a senior urban infrastructure expert with more than 20 years of professional experience. He did his MBA from Indian Institute of Foreign Trade (IIFT, New Delhi) and his Master in Architecture (Urban Design) from CEPT University, Ahmedabad in 2006. He graduated in 1999 from Department of Architecture, BLDEA Engg College, Vijayapura.

He is the Team Leader of the National team of Smart Cities Mission at the Ministry of Housing and Urban Affairs, Government of India for the last 6 years. He has given valuable contribution in the use of technology in Urban planning, program planning & management in Indian cities. His experience includes development of PPP projects in fields of aviation, tourism and urban infrastructure like solid waste management, rooftop solar, affordable housing, public bike sharing, public utilities, smart parking solutions and mobility cards.

Before joining as a Director to Deloitte India, he was project coordinator for a World Bank funded program of USD 300 million for Government of Uttar Pradesh. For more than a decade, he was with IL&FS Infrastructure as Assistant Vice President, leading government advisory and transaction projects in Aviation, Urban and Tourism infrastructure across India.





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of India (powered by ISMF)"



## PROGRAMME DIRECTOR

Prof. M D Agrawal  
Adjunct Professor – IIT, Gandhinagar, Visiting Professor, IIT, BOMBAY  
Former General Manager and CIO – BPCL, Former Advisor & consultant, TCS

This program has been designed considering key learning areas for industry professionals, analysts and academicians in field of digital transformation. It will offer embedded learning in areas of business transformation, management, strategy, innovation, emerging technology, implementation strategy, leadership and governance. For better understanding of global best practices, another deliverable will be live case studies on technologies such as Cloud computing, big data, IoT/IoT, AI/ML, deep learning, AR/VR, Computer vision, Robotics etc.

This Advanced Certificate Programme in Digital Innovation & Transformation for Enterprises is an excellent opportunity of learning from a pool of faculties from the industry and IIT Bombay.

The industry professionals, entrepreneurs, govt. officials including B-Schools, Engineering and other HEI's Students (currently pursuing as well as pass outs) working or apprising to work in the area of digital innovation and transformation will find this programme immensely valuable.

**Duration - Four and Half Months Programme. Register online. Batch starting from February 2023 onwards.**

For further details, please contact:  
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All India Management Association - Centre For Management Education  
15, Link Road, Lajpat Nagar - 3, New Delhi, India-110024  
Tel : 011-47673000/011, 49868399, Ext. 722, Website: [www.aima.in](http://www.aima.in)

# ADB – A Trusted Development Partner

## Working for a Prosperous, Inclusive, Resilient and Sustainable Asia and the Pacific



The Asian Development Bank (ADB) envisions a prosperous, inclusive, resilient, and sustainable Asia and the Pacific, while sustaining its efforts to eradicate extreme poverty in the region. Established in 1966, ADB assists its members, and partners, by providing loans, technical assistance, grants, and equity investments to promote social and economic development. To maximize the development impact of its assistance, ADB facilitates policy dialogues, providing advisory services, and mobilizing financial resources through cofinancing operations that tap official, commercial, and export credit sources.

### ADB in India

India was a founding member of ADB in 1966. It is now ADB's fourth largest shareholder and its top borrower since 2010. Since the start in 1986, ADB's country operations, guided by the country partnership strategy (CPS), remain aligned to India's evolving development priorities. The current CPS, 2018-2022, supports building India's economic competitiveness and job creation, developing low-income states and addressing climate-related challenge. ADB also promotes private sector development, gender empowerment, regional integration, and knowledge services along with capacity development.



Apart from its regular country program, ADB is supporting India's COVID-19 response and its fast economic recovery. In 2021, ADB approved \$4.6 billion in sovereign loans to India for 17 projects including \$1.8 billion for India's COVID-19 response of which \$1.5 billion was for vaccines procurement. Other support sectors included urban development, transport, agriculture, finance, and skills-building.



Going forward, ADB will continue its support to India's COVID-19 recovery. To achieve this, ADB is aligning its portfolio priorities to enhance investments in health and education, finance, MSMEs, social protection, and public sector management. Together with this, ADB operations will assist reviving economic activity, private sector development and enhancing last-mile connectivity to supply chains. States will be supported through upstream knowledge work aligned to their emerging development needs. To compliment these efforts, ADB will continue to support capacity building of project agencies, promote gender equity, strengthen governance and institutions, and promote regional cooperation and integration.



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AT NEW DELHI



VANLIYA BHAWAN  
AT NEW DELHI



ISPAT POST GRADUATE INSTITUTE AND SUPER SPECIALITY  
HOSPITAL, RSP SAIL AT ROURKELA, ODISHA



NEW MOTI BAGH  
AT NEW DELHI



CENTRAL INFORMATION COMMISSION (CIC)  
AT NEW DELHI



KIDWAI NAGAR (EAST)  
AT NEW DELHI

## OVERSEAS PROJECTS



MAHATMA GANDHI INTERNATIONAL CONFERENCE CENTRE  
AT NIAMEY, NIGER



INDIAN PAVILION  
AT WORLD EXPO 2020



INDIA MALDIVES FRIENDSHIP FACULTY  
OF HOSPITALITY & TOURISM STUDIES



NEW SUPREME COURT BUILDING  
AT PORT LOUIS, MAURITIUS



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# 1 NATION GRID FREQUENCY

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# TAKE A STEADY STEP INTO THE BUSINESS WORLD



## POST GRADUATE DIPLOMA IN MANAGEMENT (Approved by AICTE\*)

All India Management Association is the apex body of management profession in India. Centre for Management education under the aegis of AIMA offers PGDM Programme which is widely acclaimed for its strong curriculum in the industry and academic circles. It is designed not only to impart the knowledge of core subjects such as Accounting, Economics, Finance and Marketing but also lays special stress on developing skills and competencies through exposure to real business situations in the form of case studies. AIMA leverages its close linkages with the industry to assess emerging needs and factor them on to its programmes.

### Eligibility

Graduation in any stream from UGC recognised university or equivalent

#### Course Highlights

- Teaching based on case studies to build and strengthen decision making and analytical skills.
- Contemporary course curriculum recognised by Industry.
- Library database on AIMA website.
- Complimentary AIMA membership and Indian Management Journal.
- Lateral entry permitted on the basis of last Post Graduation/Master's Programme pursued in stream relevant to management education.
- 25% discount in programme fee for serving/retired officers of armed forces.

#### Duration

- 2 Years (divided into 4 semesters)
- Online Registration is available, please visit <https://education.aima.in/showAdmissionForm.action>

#### Programme Delivery

- 15 hours of teaching per subject
- Industry Interface
- E-Learning Support (Specially designed foundation programme on economics, quantitative techniques & accountancy)

\* In ODL Mode

Specialisations: HR, Marketing, Finance, Operation, IT, International Business, Digital Marketing, Business Analytics, Supply Chain, Retail, Hospitality & Financial Research & Valuation Modelling.

Programme Manager

All India Management Association-CME, 15 Link Road, Lajpat Nagar-3, New Delhi - 110024  
Contact: 011 47673011 | Mobile: +91 9654601397 | Email: [pgdm@aima.in](mailto:pgdm@aima.in) | Website: [www.aima.in](http://www.aima.in)

Procurement

# **AIMA and The World Bank offers**

## **Professional Diploma in Public Procurement (PDPP)**

PDPP caters to procurement practices across the globe and the endeavor is to enable anyone interested in Public Procurement to get an overview of the field and to understand the rationale behind Public Procurement decisions.

The course is delivered as a blend of e-Learning, instructor-led-sessions, self-study and social learning. The delivery of this course is governed by the 'Charter on Public Procurement Studies' (CPPS). The ILT sessions (face to face) are spread over five days. At the end of comprehensive online and offline training, a summative assessment will be conducted. On successful completion of the programme, the partner institute will award the Professional Diploma in Public Procurement(PDPP).

### **Will benefit :**

- Procurement Professionals for updating their domain knowledge
- Non-procurement professionals who participate in or manage procurement function
- Employees of private sector bidding in Public Procurement
- Anyone interested in Public Procurement.

### **Key Features**

- Certification by premier institute like AIMA and the World Bank
- Enhance Knowledge and skills to undertake effective procurement using best in class practices
- Blended learning/ Actionable learning
- Opportunity to get AIMA's library membership
- User friendly & easy to use technology interface
- Benefit from strong AIMA industry connect and networking
- Student membership of AIMA with all privileges like subscription to Indian Management Journal



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