E-1969215/20

No 31026/1/2019-Policy
Government of India
Ministry of Chemicals and Fertilizers
Department of Pharmaceuticals

Shastri Bhawan, New Delhi
Dated the 12th November, 2020

OFFICE MEMORANDUM

Subject:- Provision of fall clause quoted in tender documents for procurement of drugs-reg.

The undersigned is directed to refer to the above subject and say that it has been brought to the notice of this department that many Government procuring agencies are quoting the provision of fall clause in their tender documents for procurement of drugs despite the fact that the Manual for Procurement of Goods, 2017 in para 8.1.14 of Chapter-8 (copy enclosed) provides for exception of fall clause on sale of goods such as drugs, which have an expiry date

2. Accordingly, the Ministries/Departments which are involved in the procurement of drugs through agencies under their administrative control are requested to take into account that the provision of fall clause does not apply on the sale of drugs which have an expiry date, and to ensure that tenders are issued accordingly.

3. This issues with the approval of Secretary Pharmaceuticals.

Encl. As above

(Byasadev Naik)
Deputy Director
Tel. 23071162

To

(i) Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi. [Email: secyhfw@nic.in]
(ii) Secretary, Ministry of Defence, South Block, New Delhi. [Email: defsecy@nic.in]
(iii) Secretary, Ministry of Railways, Rail Bhawan, New Delhi. [Email: secyrb@rb.railnet.gov.in]
(iv) [Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi Email: secy-labour@nic.in]

Copy (for information) to:-

(i) Pharma Industry Associations
(ii) Pharma PSUs