



under the aegis of Ministry of Corporate Affairs Government of India

"Procurement (Procedures, Tenders, Bids) and EPC (Engineering, Procurement and Construction) Contract Management" (6th Edition)

05-08 March, 2019 at Goa (Residential)









ABOUT INDIAN INSTITUTE OF CORPORATE AFFAIRS

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

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

ABOUT THE TRAINING PROGRAM

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

Essentially, procurement means timely acquisition, purchase & delivery of goods, works and services at the best possible total cost of ownership to the customer. It includes estimate or indent preparation, tendering, contract management, catalogue management and auction and caters to procurement of all types—works, goods and services.

India spends up-to 20% of its GDP on Public Procurement, with some government departments earmarking as much as 50% of their annual budgets for such expenditure. In the manufacturing sector, the cost of material is sometimes up to 65% - 70% of the product cost and the quality of the finished product is heavily dependent upon the quality of material purchased, hence the impact of the procurement functions on cash flow & profitability is very high.

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

India is a large country and has a very large public institutions / bodies at national & state level besides PSUs and other autonomous organizations. Public bodies are involved in construction of roads, canals, hospitals, bridges, schools, government buildings / offices etc. The procurement of goods vary for Defence, Railways, Health, Paramilitary forces etc. and the range is enormous.

E-Procurement

E-procurement increases transparency as well as competition, simplifies and speeds up tendering process, eliminates human error, helps in seamless sharing of information, provides ease of operation and leads to quicker decision. It also facilitates pre and post contract management.

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

Sound Public Procurement policies & Practices for Good Governance

Sound Public Procurement policies and practices are among the essential elements of Good Governance, significantly impact the economy by generating demand and consumption, promote local industry and improve SMEs access to public procurement. Good practices reduce costs and produce timely results, poor practices lead to wastage of public funds and delays and are often the cause for allegations of corruption and inefficiency.

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

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

Procurement has always been a vital function of the governments and large amounts are spent in public procurement by the Central & State governments, municipal and other local bodies, statutory corporations and State-Owned Enterprises (SOE) in India. The procurement of goods, works and services is very vast both in terms of variety & volume. Considering the size of the country, the number of procurement entities as well as products / service categories, the task is highly onerous and challenges are multifarious. These challenges need to be addressed.

In the above context, with a view to clarifying and discussing various important issues that will ensure maximum efficiency & economy through "Procurement (Procedures, Tenders, Bids) and EPC (Engineering, Procurement and Construction) Contract Management" in public & private purchasing and to share the best procurement practices and to discuss the critical procurement issues of today and future, Indian Institute of Corporate Affairs (IICA) is organizing Four day capacity building program on "Procurement (Procedures, Tenders, Bids) and EPC (Engineering, Procurement and Construction) Contract Management" (6th edition) at Goa, to improve overall efficiency and effectiveness of public purchase function on various aspects relating to public procurement.

Why Goa

Goa is one of the fastest growing states in the country. The Gross State Domestic Product of Goa at current prices increased at a Compound Annual Growth Rate (CAGR) of 8.78% till 2016-17. Goa's net state domestic product (NSDP) was Rs.587.71 billion (US\$ 8.76 billion) in 2016-17. Goa's economic growth is driven by the strong performance of industrial sectors such as mining, tourism & pharmaceuticals. Besides, Goa is blessed with beautiful beaches and hills, a rich heritage, architecture and culture. Goa is a prime destination for national & international conferences and landmark exhibitions. (During the four days capacity building program from 5-8 March, 2019, half day local scenic Goa tour will also be arranged for the participants by IICA).

BENEFITS OF PARTICIPATING ORGANIZATIONS

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

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

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

Container Corporation of India, Indian Railways,	National Highways & Infrastructure Development
Rites Ltd., RailTel Corporation of India Ltd.	Corporation Ltd
Cochin Shipyard Ltd	MSTC Ltd
Western Coalfields Ltd, Eastern Coalfields	Bayer Seeds Private Limited, Bayer CropScience
Limited, Mahanadi Coalfields Limited, Central	Limited, Bayer BioScience Private Limited, Bayer
Mine Planning &	Vapi Private Limited
Design Institute Limited	
Mangalore Refinery and	Maharashtra Industrial
Petrochemicals Ltd	Development Corporation
IFCI Limited	NLC India Limited
The New India Assurance Co. Ltd	Directorate of Industries, Pune Region
Security Paper Mill, India Government Mint	NETAFIM Irrigation India Pvt. Ltd
State Bank of India, Syndicate Bank, Canara Bank	Jaipuria Institute of Management
GAIL	Mytrah N4 Electric Pvt. Ltd.
Ministry of Skill Development and	Employees Provident Fund Organisation
Entrepreneurship	
Goods And Services Tax Network	Power Finance Corporation Ltd
Ministry of Finance, Department of Expenditure	National Cooperative
	Development Corporation
MOIL Limited	United India Insurance Co. Ltd.
Bharat Dynamics Ltd.	Steel Authority of India Ltd
Hindustan Petroleum	Glassco Laboratory
Corporation Limited	Equipments Pvt. Ltd.
Power Grid Corporation of	National High Speed Rail Corporation Ltd.
India Limited	
NMDC Limited	Agriculture Insurance
	Company of India Ltd
Unique Identification	Rashtriya Chemicals & Fertilizers Ltd
Authority of India (UIDAI)	

LEARNING OBJECTIVES

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

WHO SHOULD ATTEND

- CEOs & CFOs/Government Officials and Decision Makers from various Government of India agencies, Ministerial Departments including audit and vigilance agencies, State transport authorities, international financial institutions, unilateral agencies, Embassies officials etc.
- Heads of Procurement, Purchasing & Supply Managers, Finance & Accounts Managers, Contract Managers, Procurement Managers, Business Development Managers, Operation Managers, Project Managers, Commercial Managers, Auditors & Supply Controllers, Administrative Officers, All Managers involved in Purchasing Operations in PSUs, Defence, Railways, CPWD, Health, Aviation, Telecom, Construction and other Central & State Govt. Departments., Managers/Department/Division Heads of Finance, Stores & Purchase from Municipalities, Hospitals, School Boards & Academic Institutions.

PROGRAM HIGHLIGHTS

- Dedicated four days (05-08 March, 2019) packed with interactive sessions comprising slide shows, study material and experience sharing etc.
- A certificate of Participation will be awarded to the participants after the successful completion of the program by IICA.

PROGRAM LEARNING CONTENT / COVERAGE

DAY-1 (5th March, 2019 - Tuesday)

Check in - start with Lunch on Buffet set up 13:00			
onwards 14:00 Opening session – Setting the Context Session 1 Existing Public Procurement Guidelines – Challenges & Areas of concern • Fundamental principles of Public Procurement • Financial Prudence • Risk perspective • Intricacies in Government procurement • Trends in procurement procedures • The Process Accelerator : How E-procurement can bring efficiencies in Government & PSUs Q & A Session Session 2 Present Regularly Framework for Public Procurement • CVC Guidelines • General Financial Rules (GFR) • Limitations of existing procurement procedures • Preventive Vigilance & Public Procurement			
14:00 Opening session – Setting the Context Session 1 Existing Public Procurement Guidelines – Challenges & Areas of concern • Fundamental principles of Public Procurement • Financial Prudence • Risk perspective • Intricacies in Government procurement • Trends in procurement procedures • The Process Accelerator : How E-procurement can bring efficiencies in Government & PSUs Q & A Session Session 2 Present Regularly Framework for Public Procurement • CVC Guidelines • General Financial Rules (GFR) • Limitations of existing procurement procedures • Preventive Vigilance & Public Procurement			
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Preventive Vigilance & Public Procurement			
Q & A Session			
Session 3 Basics of Contracting			
What is a contract			
Essential elements of valid contract			
Rate Contract and its distinctive features			
Withdrawal of acceptance			
Discharge of Contracts			
Rate Contract and its distinctive features			
 Contract/ Agreements for Consultancy Services 			
LOI and MOU			
Court views on LOI/MOU			
Law of Agency			
Obligations of Principal and Agent			
Q & A Session			
Session 4 Drafting of Commercial Contracts			
Essentials of drafting a contract			
 Importance of structuring contract and legal aspects relating to L/D, B/G 	i, Indemnity		
Force Majeure, Dispute Resolution, termination, jurisdiction etc.			
Template contract			
 Types of contract (contract of guarantee and indemnity, wagering and contract) 	ontingent)		
Review of contract before signature			
Q & A Session			
Session 5 Case study on valid contract/LOI/MOU and Q/A			

DAY-2 (6th March, 2019 - Wednesday)

Session 1	Procurement Process			
10:00 am	Procurement planning			
	Tendering / Bidding process			
	Risk management at tender stage			
	Need for dynamic tendering procedures			
	Strategic decisions			
	Firm / Variable Price, Price Variation Clause			
	Determining Qualifying Criteria			
	Deciding the Mode of Procurement, Bid System, Pre-bid Conference			
	Q & A Session			
Session 2	Bid documentation and Bid invitation (NIT)			
	Basic structure of Tender			
	General Conditions of Contract (GCC) and Special Conditions of Contract (SCC)			
	Critical areas in tender documentation			
	Q & A Session			
Session 3	Contract Negotiations			
	How to Reduce the risk of delaying a project by using contract negotiations			
	Contract Negotiations steps			
	How to Renegotiate Contract in changed market forces.			
	Process for negotiating			
	Q & A Session			
	Q & A Session			
Session 4	Q & A Session Contract administration & management			
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DAY-3 (7th March, 2019 - Thursday)

Session 1	EPC (Engineering, Procurement and Construction) Contract	
10:00 am	Issues and Challenges of EPC Contract	
	Scope of work and technical specifications	
	Payment and Price	
	• Time	
	• Cost	
	Variations	
	Quality	
	Assignability and sub-contracting	
	Reporting	
	Q & A Session	
Session 2	E-Contract	
Jession 2	✓ Definition of e-contract	
	✓ Basic elements of e-contract	
	o Addressee	
	o Intermediary	
	o Originator	
	✓ Law governing e-contract	
	E-contract and Information Technology Act, 2000 (Sec 11, 12 &13)	
	✓ Jurisdiction in e-contract (Sec 13 of IT Act)	
	The Time of Dispatch of Electronic Contract	
	 The Place of Dispatch of Electronic Contract 	
	 The Time of Receipt of Electronic Contract 	
	 The Place of Receipt of Electronic Contract 	
	✓ Digital signature	
	Q & A Session	
Session 3	Bid Evaluation & Contract award	
	Bid opening	
	 Constitution of Technical Committee (TC) and Tender Purchase Committee (TPC) 	
	Bid evaluation for goods/services	
	Negotiation- Process, tactics and strategy	
	Contract award	
	Case Study	
	Q & A Session	
Session 4	Resolution of Disputes- Arbitration proceedings	
	Need for Arbitration	
	Arbitration clause	
	Amendment in The Arbitration Act	
	Strategies for successful arbitration	
	Q & A Session	
Session 5	International Contract and dispute resolution mechanism	
3000.01.0	Legal aspects of international trade (Critical clauses that should be included in every)	
	international contract)	
	Passing of title and risk	
	Dispute resolution (emphasis on arbitration)	
	Jurisdiction	
	Court views on amended Arbitration Act	
	Q & A Session	
L	L C C A DESSION	

DAY-4 (8th March, 2019 - Friday)

Session 1	Contract termination/renewal decision	
10:00 am	Periodic Review of contract.	
	Economic evaluation of business Contracts, monitoring the price contracts.	
	Establish and improve work System for Continuous review and maintenance of all	
	standard documents and evaluate existing contracts	
	Evaluate Supplier Performance, your requirements and the Market price and	
	competition for Contract termination/renewal decision.	
	Q & A Session	
Session 2	Effective Strategic Sourcing	
	KPIs for effective sourcing	
	Drivers of improved procurement performance	
	Just In Time (JIT)Procurement	
	EOQ (Economic Order Quantity) concept and its application	
	Vendor Selection and Evaluation	
	Vendor Development – Value drivers	
	Q & A Session	
Session 3	Futuristic Opportunities for SMEs & Corporate houses in Public Procurement through	
	Offset policy and multiplier provisions	
	India defence production has progressively increased from Rs. 43,746 crores in 2013-	
	14 to Rs. 55,894 crores in 2016-17 and the government wants a significant	
	proportion of this to be manufactured in India.	
	Offset Policy for Defense Procurement - Offset under defense purchases are suitably	
	focused to support the SMEs & Indian Corporate houses in the country, in upgrading	
	their capacities, capabilities & technology.	
	Understanding of off-set proposals.	
	Fulfillment of off-set obligations in terms of direct purchases and direct foreign	
	investments	
	Offset Procedure	
	Defence offset Obligations	
	Compliance with the offset obligations	
1	Q & A Session	

Registration & Program Charges

Procurement (Procedures, Tenders, Bids) and EPC (Engineering, Procurement and Construction)		
Contract Management		
Date	05-08 March, 2019	
Venue: GRANDE DELMON	*Residential – Rs.59,590/- (Rs.50,500/- plus 18% GST)	
Caetano de Albuquerque Road,		
Panjim, Goa 403001	*Non Residential – Rs.37,760/- (Rs.32,000/- plus 18% GST)	

Please note:

- 5% discount for minimum two attendees from one organization
- 10% discount for minimum three attendees or more from one organization
- Limited seats, Registration on the basis of first come, first serve and nominations will not be accepted after 28th February, 2019.
- *IICA Residential Program registration fee includes 4 nights /5 days residential conference at Grande Delmon with 4 Breakfasts/4 Lunch/4 Dinner on Buffet set up, study material/content and does not include transfer to the hotel/venue and airport, local travel and other travelling cost.
- *IICA Non-Residential Program registration fee includes Lunch and two time tea with snacks, study material/content and does not include transfer to the hotel/venue and airport, local travel and other travelling cost.

IICA RESIDENTIAL PROGRAMME SCHEDULE

(4 nights /5 days residential conference at Grande Delmon) is given as below:

Day 1: 05th March, 2019 (Tuesday)

Check in 12:00 onwards....start with Lunch on Buffet set up followed by 1/2 day session

Day: 2: 06th March, 2019 (Wednesday)

1/2 day session followed by local scenic Goa tour (inclusion: Breakfast, Lunch and Dinner on Buffet set up)

Day: 3: 07th March, 2019 (Thursday)

Full day session (inclusion: Breakfast, Lunch and Dinner on Buffet set up

Day: 4: 08th March, 2019 (Friday)

Full day session (inclusion: Breakfast, Lunch and Dinner on Buffet set up

Day: 5: 09th March, 2019 (Saturday)

Breakfast on Buffet set up and check out by 10:00 am

Payment Mechanisms:

A. NEFT Details:-

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

B. Demand Draft:

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

For more details, please contact undersigned:-

Mr. Rajesh Batra,

Head-Centre for MSME

Indian Institute of Corporate Affairs Plot no.:- P 6,7,8, Sec. 5, IMT Manesar,

Distt. Gurgaon (Haryana), Pin Code - 122 050

E-mail: rajeshbatra.iica@gmail.com, rajesh.batra@iica.in

Phone: 0124-2640000 (2021), 9871417394

Participants Feedback & Experience Sharing

Some of the feedback we have received on the recent capacity building program - Procurement (Procedures & Contracting), Tenders, Bids & Contract Management held in September & December, 2018 is given below:

"Very good"

Mr. Shaminder Singh, Executive Director, RailTel Corporation of India Ltd.

"Overall program is excellent and lectures delivered by guest is very helpful in our working area"

Mr. Kumar Abhishek, Sr. Manager, MOIL Limited

"The program has been well structured for enhancing the knowledge of procurement and dealing with the issues faced during such procurement"

Mr. Rikesh Kumar, Ministry of Finance, Department of Expenditure

"Programme has been conducted with expected professionalism"

Mr. Sandeep Kumar, General Manager, Power Finance Corporation Ltd

"Very informative touching upon every aspects of Procurement"

Ms. Amita Naik, Chief Procurement Manager, Hindustan Petroleum Corporation Ltd

"Thank You IICA for the good and well-designed training program conducted with great professionalism"

Mr. Kumar Ratnesh Ranjan, Eastern Coalfields Limited

"Overall good"

Mr. Aamir Anas, Central Mine Planning & Design Institute Limited

"Sessions are very helpful for our work profile and many queries were clarified with interaction"

Mr. Sundeep Kumar Vustela, United India Insurance Co. Ltd.

Mr. Sundeep Kumar Vustela, United India Insurance Co. Ltd.

"Thank You IICA"

Mr. K S Chellam Naidu Boni, Eastern Coalfields Limited

"It was a well designed and well organized program"

Ms. Vandana, NHIDCL

"Excellent program. I am fortunate to have attended the program. I will recommend people to attend programs of IICA"

Mr. Joyesh Nayak, Mahanadi Coalfields Limited

"All faculties were knowledgeable and good orators who made session interesting"

Ms. Sunita R Parab, Hindustan Petroleum Corporation Ltd

Program Facilitator



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

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

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

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

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