

# National Institute of Technology Calicut

## **STORES AND PURCHASE**

Violation of Public Procurement (Preference to Make in India) Order. 2017

### CIRCULAR

**NO: S&P/S3/13932/GFR/2017**

**14-02-2019**

**Ref:** 1. D.O. No.330/31/C/64/2018-ES-7 dt.03.01.2019 from Prime Minister's Office.  
2. O.M. No.13-4/2019-TC dt.16.01.2019 Department of Higher Education, MHRD.

Kind reference is invited to the letter received from Prime Minister's Office, New Delhi, dt.03.01.2019, duly endorsed by Department of Higher Education, Ministry of Human Resource Development, regarding exclusion of local manufacturers from bidding process by bringing in foreign make/brands and /or restrictive conditions in the tenders. In this regard, all concerned are requested to ensure compliance to the guidelines stated in the letter cited while drafting specifications/ tender conditions/ evaluation of bids, in all future procurement of the institute.

The guidelines referred above stipulated the following:

- a) Indicating foreign make/brands in the tender, and thereby excluding local manufacturers and service providers from participation, is in violation of public procurement (Preference to Make in India) Order, 2017. Also, a requirement for a particular trade mark, trade name or a brand shall not be indicated.
- b) The technical specifications shall, to the extent practicable, be based on the national technical regulation or recognized national standards.
- c) Any such restrictive and discriminatory eligibility criteria regarding turnover, specification/testing/other standards shall not be incorporated in tender documents that exclude local manufacturers/service providers.

**This issues with the approval of competent authority.**

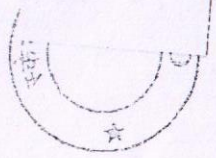
To,

Dean(R&C)/ Dean(P&D)/ TEQIP Coordinator &  
Heads of all Departments/ Schools/ Sections

*[Handwritten signature]*  
OSD (S&P)  
14/02/2019

Encl: D.O. letter no.330/31/C/64/2018-ES-7 dt.03.01.2019  
of Principal Secretary to Prime Minister addressed to Secretary,  
D/O Higher Education, New Delhi





नृपेन्द्र मिश्र

**Nripendra Misra**

Principal Secretary to Prime Minister

D.O.No. 330/31/c/64/2018-EG-1

3<sup>rd</sup> January, 2019

Dear Secretary,

Complaints are being received, alleging that Government entities are indicating foreign make/brands and/or restrictive conditions in their tenders, thereby excluding local manufacturers from bidding process.

2. It may be noted that such stipulation of foreign make/brands and/or restrictive conditions (like mandatory requirement of certification by foreign bodies) in the tenders is not only violative of Public Procurement (Preference to Make in India) Order, 2017 (PPP-Mil Order 2017) issued by DIPP, but also in violation of the General Financial Rules. In this regard, it is necessary to follow the following general guidelines:

- a. Indicating foreign make/brands in the tender, and thereby excluding local manufacturers and service providers from participation, is in violation of Public Procurement (Preference to Make in India) Order, 2017. Also, as per Rule 144(i) (b) of GFR 2017, procuring agency shall not indicate a requirement for a particular trade mark, trade name or a brand.
- b. As per Rule 144(iii) of GFR 2017, the technical specifications shall, to the extent practicable, be based on the national technical regulations or recognized national standards.
- c. Ministries/Departments should also ensure that their procurement entities do not incorporate any such restrictive and discriminatory eligibility criteria regarding turnover, specifications/testing/other standards in tender documents that exclude local manufacturers/service providers.

WLCN.  
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3. Please ensure compliance of the above guidelines strictly at the level of the Ministry/Department, as also by all attached/subordinate offices and PSUs/ Autonomous bodies under the administrative control of your Ministry/Department. Any violation in this regard shall be viewed seriously.

20/1/19  
A.P.  
B/A

With regards,

Yours sincerely,

(Nripendra Misra)

Shri R. Subrahmanyam,  
Secretary,  
D/o Higher Education,  
New Delhi.

12  
31/1/19  
13/01/19



F. No.13-4/2019-  
Government of India  
Ministry of Human Resource  
Department of Higher Education  
Technical Section (Coord)

Dated: 16<sup>th</sup> January, 2019

O.M.

Subject : Violation of Public Procurement (Preference to Make in India) Order,  
2017

Please find enclosed herewith a copy of letter F. No. 1101/01/2018-CDN (Pt.)  
dated 10<sup>th</sup> January, 2019 received from CDN Section on the subjects mentioned above for  
information and compliance.

*Sanjeev*  
16/1/19  
(Sanjeev Shrivastava)  
Under Secretary (TC)

Encls.: As above

~~US(HIT)/SO(TE)/SO(HIT)/SO(NIT)~~

*Circulate to all  
N/As. h.c. -  
17/1/19*

*Ms. Dheeraj*

Copy to :

CMD, EdCIL (India) Ltd., Plot No. 18A, Sector 16-A, Gautam Budh Nagar, Noida - 201 301,  
UP