From: GM (Admn.), HQ
To: ED, HSMI,
    All EDs/GMs, HQ
    All Regional Heads

No. Admin/HQ/Pref. Make in India/2019 29.01.2019

Sub: Violation of Public Procurement (Preference to Make in India) Order,
2017 and General Financial Rules

With regard to the above HUDCO has received a Letter dated 25th January, 2019 from Under Secretary to the Government of India, Ministry of Housing Affairs (MRTS) Coord Desk), 311, Nirman Bhawan New Delhi alongwith Letter dated 3rd January, 2019 received from Shri Nripendra Misra, Principal Secretary to Hon’ble Prime Ministry (copies enclosed) to ensure strict compliance and further necessary action by all Department Heads at HSMI, HQ and all Regional Heads.

Dr. D Ravishankar
General Manager (Administration)

Encl: as above.

ED, HRMA

ED, HSMI,

All EDs/GMs, HQ

All Regional Heads
No. K-14011/14/2018-MRTS-Cood
Government of India
Ministry of Housing and Urban Affairs
(MRTS Coord Desk)

311-B, Nirman Bhawan, New Delhi,
Dated the 25th January, 2019

To

1. Directorate General, CPWD
   A-Wing, Room No. 101,
   Nirman Bhawan, New Delhi-11.
2. Chairman cum Managing Director,
   NBCC India Limited
   NBCC Bhawan, Lodhi Road
   New Delhi - 110 003.
3. Chairman cum Managing Director,
   HUDCO, HUDCO Bhawan, India Habitat Centre,
   Lodhi Road, New Delhi-110003.
4. Vice Chairman, Delhi Development Authority (DDA)
   B-Block, 1st Floor, Vikas Sadan, New Delhi-110023.

Subject: Violation of Public Procurement (Preference to Make in India) Order, 2017 and General Financial Rules.

Sir/Madam,

I am directed to forward herewith D.O. No. 330/31/C/64/2018-ES-1 dated 03.01.2019 from Principal Secretary to Prime Minister on the above cited subject for strict compliance.

Yours faithfully,

(Rachna Kumar)
Under Secretary to the Govt of India
Tel: 23062935

Encl: As above.

Copy to:
1. Additional Secretary (AMRUT), MoHUA
2. Additional Secretary (W&H), MoHUA
3. Joint Secretary (L,E & Admin), MoHUA
4. Joint Secretary (Mission Director Smart Cities)
5. Joint Secretary (SBM)
6. Joint Secretary (PSP)
7. Joint Secretary, HFA (PMAY), MoHUA
8. Joint Secretary (NULM), MoHUA
9. Economic Advisor (Housing), MoHUA.
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-MII 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.

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.

With regards,

Yours sincerely,

(Nripendra Misra)