

Dy. No. 260/2019-NE
Government of India
Ministry of Health & Family Welfare
(NE Section)

Nirman Bhawan, New Delh.
Dated the 27 February, 2019

To

The Director,
NEIGRIHMS, Shillong

The Director
RIMS, Imphal

The Director,
RIPANS, Aizawl

Subject:- Directions from Prime Minister's Officer regarding Government entities are indicating foreign make/brands and/or restrictive conditions in tenders – reg.


Sir;

I am directed to say that complaints are being received by the Prime Minister's Officer alleging that Government entities are indicating foreign make/brands and/or restrictive conditions in their tenders, thereby excluding local manufacturers from bidding process. The PMO has 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 (PPF-MII Order 2017) issued by DIPP, but also violation of the General Financial Rules. The PMO, therefore, have issued 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(ii) (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.

2. You are requested to ensure compliance of the above guidelines strictly. Any violation in this regard shall be viewed seriously.

Yours faithfully


(C.S. Bahuguna)

Under Secretary to the Govt. of India